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15

SP-1

SP-1

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Legislative Assembly of Ontario

First Session, 40th Parliament

Assemblée législative de l'Ontario

Première session, 40^e législature

Official Report of Debates (Hansard)

Monday 5 March 2012

Journal des débats (Hansard)

Lundi 5 mars 2012

Standing Committee on Social Policy

Organization

Comité permanent de la politique sociale

Organisation



Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 5 March 2012

Lundi 5 mars 2012

The committee met at 1404 in committee room 1.

ELECTION OF CHAIR

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, honourable members. Welcome to the Standing Committee on Social Policy. My name is Katch Koch and I'm the clerk of your committee. It is my duty to call upon you to elect a Chair. Are there any nominations? Mr. Flynn.

Mr. Kevin Daniel Flynn: I would move that Ernie Hardeman be appointed the Chair of the Standing Committee on Social Policy.

The Clerk of the Committee (Mr. Katch Koch): Mr. Flynn has nominated Mr. Hardeman. Mr. Hardeman, do you accept the nomination?

Mr. Ernie Hardeman: I accept it. With a heavy heart.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations?

Ms. Cheri DiNovo: For Chair?

The Clerk of the Committee (Mr. Katch Koch): For Chair.

Ms. Cheri DiNovo: No.

The Clerk of the Committee (Mr. Katch Koch): There being no further nominations, I declare Mr. Hardeman elected Chair of the committee.

Applause.

The Clerk of the Committee (Mr. Katch Koch): Mr. Hardeman?

The Chair (Mr. Ernie Hardeman): Thank you very much for the honour of chairing this committee. The reason, of course, that I accepted with heavy heart: I'm not sure I'm capable, but with your trust I'm sure I can get it done. Thank you very much.

ELECTION OF VICE-CHAIR

The Chair (Mr. Ernie Hardeman): The next order of business, of course, is the election of the Vice-Chair. Ms. DiNovo?

Ms. Cheri DiNovo: Yes; thank you, Mr. Chair. I move that Mr. Ted Chudleigh be appointed Vice-Chair.

The Chair (Mr. Ernie Hardeman): You heard the motion that we nominate Mr. Chudleigh. Any further nominations?

Any further motions?

If not, the motions and nominations will be closed. All those in favour? Opposed? Motion's carried. I will declare Mr. Chudleigh elected as Vice-Chair.

Applause.

Mr. Ted Chudleigh: Thank you for your confidence.

The Chair (Mr. Ernie Hardeman): Thank you.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. Ernie Hardeman): Now the next order of business is the appointment of a subcommittee for committee business. Mr. Chudleigh?

Mr. Ted Chudleigh: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or on the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting;

That the subcommittee be composed of the following members: the Chair as chair, Ms. DiNovo, Mr. Flynn and Ms. McKenna; and

That substitution be permitted on the subcommittee. So moved.

The Chair (Mr. Ernie Hardeman): Thank you very much. You've heard the motion. Any discussion? Hearing none, all those in favour? Opposed? The motion is carried.

That concludes the organizational meeting for your committee. Item 4 on your agenda is other business, and the clerk has offered to speak a little bit about the workings of the committee and how it works. We have a lot of members on the committee that are here for the first time, and this will be kind of a crash course in how committees work. Then, when you've got that all down, we'll change the rules as I proceed.

The committee continued in closed session at 1408.

CONTENTS

Monday 5 March 2012

Election of Chair	SP-1
Election of Vice-Chair.....	SP-1
Appointment of subcommittee	SP-1

STANDING COMMITTEE ON SOCIAL POLICY

Chair / Président

Mr. Ernie Hardeman (Oxford PC)

Vice-Chair / Vice-Président

Mr. Ted Chudleigh (Halton PC)

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Ms. Cheri DiNovo (Parkdale–High Park ND)

Mr. Kevin Daniel Flynn (Oakville L)

Mr. Ernie Hardeman (Oxford PC)

Ms. Tracy MacCharles (Pickering–Scarborough East / Pickering–Scarborough–Est L)

Mrs. Amrit Mangat (Mississauga–Brampton South / Mississauga–Brampton–Sud L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Jane McKenna (Burlington PC)

Clerk / Greffier

Mr. Katch Koch

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Ms. Carrie Hull, research officer,
Legislative Research Service



SP-2

SP-2

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First Session, 40th Parliament

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Première session, 40^e législature

**Official Report
of Debates
(Hansard)**

Monday 26 March 2012

**Journal
des débats
(Hansard)**

Lundi 26 mars 2012

**Standing Committee on
Social Policy**

Subcommittee report

**Comité permanent de
la politique sociale**

Rapport du sous-comité



Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
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STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 26 March 2012

Lundi 26 mars 2012

The committee met at 1401 in committee room 1.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Ted Chudleigh): We'll call the meeting to order. We're here to consider the report of the subcommittee of the Standing Committee on Social Policy, to consider its adoption, amendment or rejection. Would someone like to read the report of the subcommittee? Mr. Hardeman.

Mr. Ernie Hardeman: Your subcommittee on committee business met on Monday, March 19, 2012, to consider the method of proceeding on Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings in Toronto on Monday, April 2, 2012.

(2) That the clerk of the committee post information regarding the hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That interested people who wish to be considered to make oral presentations on Bill 20 should contact the clerk of the committee by Monday, March 26, 2012, at 12 noon.

(4) That the clerk of the committee provide a list of all interested presenters to the subcommittee following the deadline for requests.

(5) That the deadline for written submissions be Monday, April 2, 2012, at 5 p.m.

(6) That the research officer provide the committee a background paper on similar existing legislation across the country.

(7) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

That's the end of the committee report.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. It seems to me that point number 7 requires some—

Mr. Ernie Hardeman: No.

The Vice-Chair (Mr. Ted Chudleigh): Are there any comments or questions concerning the report?

Mr. Ernie Hardeman: I believe that one thing that might have been in the report and wasn't was the length

of presentations for the deputants at the hearings that we're holding.

The Vice-Chair (Mr. Ted Chudleigh): Ah, yes.

Mr. Ernie Hardeman: I have a motion here. I move that the report of the subcommittee be amended by adding the following:

"(4.1) That the length of presentations for witnesses be 20 minutes."

The Vice-Chair (Mr. Ted Chudleigh): Mr. Hardeman has moved (4.1): that the length of presentations be 20 minutes. Is there any comment? Mr. Balkissoon.

Mr. Bas Balkissoon: Chair, I just want to clarify. Does that include the presentation and questions of the presenter?

Mr. Ernie Hardeman: Yes.

Mr. Bas Balkissoon: Okay. I just wanted to clarify that and make sure it's correct.

The Vice-Chair (Mr. Ted Chudleigh): Comments? Yes, Michael.

Mr. Michael Prue: There are two Michaels here, but it's me, Michael Prue.

The Vice-Chair (Mr. Ted Chudleigh): Mr. Prue.

Mr. Ernie Hardeman: The veteran and the rookie.

Mr. Michael Prue: The veteran and the rookie. Okay.

The Vice-Chair (Mr. Ted Chudleigh): We're a friendly committee.

Mr. Michael Prue: It's not been stated how many people are coming. Twenty minutes is generally a long time. I take it that there are limited numbers of presenters so that that can be accommodated in the time set aside?

The Vice-Chair (Mr. Ted Chudleigh): Mr. Hardeman has some knowledge on that subject.

Mr. Ernie Hardeman: I believe we have presently six people, and the deadline was this morning. So we will be having six deputations.

Mr. Michael Prue: So that could be accommodated in the two-hour time frame?

Mr. Ernie Hardeman: Yes.

Mr. Michael Prue: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Any other comments? Are we all in favour of the motion?

Mr. Ernie Hardeman: Amendment.

The Vice-Chair (Mr. Ted Chudleigh): Amendment to the motion. Thank you.

Mr. Michael Prue: Agreed.

The Vice-Chair (Mr. Ted Chudleigh): Carried.

Is everyone in favour of the subcommittee report, as amended? It's agreed. Carried.

What a wonderful group you are to work with.

Mr. Bas Balkissoon: Are we adjourned?

The Vice-Chair (Mr. Ted Chudleigh): I would entertain such a motion.

Interjection.

The Vice-Chair (Mr. Ted Chudleigh): Thank you, Bas. The committee stands adjourned until the call of the clerk, the Chair or whoever.

The committee adjourned at 1406.

CONTENTS

Monday 26 March 2012

Subcommittee report SP-3

STANDING COMMITTEE ON SOCIAL POLICY

Chair / Président

Mr. Ernie Hardeman (Oxford PC)

Vice-Chair / Vice-Président

Mr. Ted Chudleigh (Halton PC)

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Substitutions / Membres remplaçants

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Publication

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Lundi 2 avril 2012

Standing Committee on Social Policy

Hawkins Gignac Act (Carbon
Monoxide Detectors), 2012

Comité permanent de la politique sociale

Loi Hawkins Gignac de 2012
(détecteurs de monoxyde
de carbone)



Chair: Ernie Hardeman
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STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 2 April 2012

Lundi 2 avril 2012

*The committee met at 1400 in committee room 1.*HAWKINS GIGNAC ACT (CARBON
MONOXIDE DETECTORS), 2012LOI HAWKINS GIGNAC DE 2012
(DÉTECTEURS DE MONOXYDE
DE CARBONE)

Consideration of the following bill:

Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings / Projet de loi 20, Loi modifiant la Loi de 1992 sur le code du bâtiment pour exiger l'installation de détecteurs de monoxyde de carbone dans certains immeubles d'habitation.

The Vice-Chair (Mr. Ted Chudleigh): If I could call the Standing Committee on Social Policy to order, we're here to consider Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings.

ONTARIO ASSOCIATION OF FIRE CHIEFS

The Vice-Chair (Mr. Ted Chudleigh): I would call on the first presenters to come forward and take a seat at the witness table. That would be the Ontario association of firefighters: Jim Jessop, the deputy fire chief of Niagara Falls. Welcome. I would reiterate that the presenters each have 20 minutes. Please sit down and be comfortable; we're kind of casual at standing committee meetings. You have 20 minutes for your presentation, which includes questioning. I'd ask each presenter, in their turn, to identify themselves for the purposes of Hansard. If you'd like to continue, Jim, thank you.

Mr. Ernie Hardeman: Mr. Chairman.

The Vice-Chair (Mr. Ted Chudleigh): Oh, I'm sorry, Jim, we have a small interruption from the presenter of the bill. I'm sure it won't take long. Mr. Hardeman.

Mr. Ernie Hardeman: Thank you, Mr. Chairman. I just wanted a clarification. This was not in respect to the delegation, but I believe you started with saying they were representing the Ontario Association of—

The Vice-Chair (Mr. Ted Chudleigh): —Fire Chiefs.

Mr. Ernie Hardeman: Yes, I just wanted to make sure the word was "chiefs," not "fire departments."

The Vice-Chair (Mr. Ted Chudleigh): Oh, I may have misspoken. Thank you.

Please go ahead.

Mr. Jim Jessop: Thank you, Mr. Chairman, and thank you, members of the committee. My name is Jim Jessop. I am deputy fire chief for the city of Niagara Falls. I am sitting here today as chair of the fire prevention committee representing the Ontario Association of Fire Chiefs, to come forward and fully support Bill 20 and to offer some comments and some suggestions on behalf of the Ontario Association of Fire Chiefs on how we would respectfully suggest that some friendly amendments would be discussed.

Very briefly, the Ontario fire service currently responds to hundreds of carbon monoxide calls for service daily. We are the front-line responders for these incidents, similar to smoke alarms, and we are the first responders that attend with the respective EMS local providers to deal with these. There have been a number of incidents over the last number of years that certainly have brought this to the attention of the citizens of Ontario. Locally in the city of Niagara Falls, to put it into context, we too had a similar tragedy in the Niagara region in 2004, when a Niagara Regional Police officer died while in his sleep in the city of Port Colborne. The investigation revealed that no carbon monoxide alarm was present, and had there been one there, he would have been alive. So it is something that affects all fire services; and as the Ontario Association of Fire Chiefs is responsible for managing the Ontario fire services, we believe that this is long overdue. A number of inquests have recommended this in the past, and the OAFIC fully supports the retroactive installation of carbon monoxide alarms in residential dwellings.

Currently, local fire chiefs have been working with their municipal councils, and municipal bylaws are becoming more and more common because presently there is no requirement for the retroactive installation. To name a few, the city of Brampton, Markham, Mississauga, Oshawa, Toronto and Niagara Falls have already enacted municipal bylaws and are actively enforcing those bylaws to protect the citizens of their cities because of the lack, right now, of a provincial law requiring retroactive installation. More fire chiefs are sending reports forward to council, and there certainly is a position, recently passed at the Ontario Association of Fire Chiefs annual meeting, that all fire chiefs should be actively requesting their councils to enact municipal bylaws until

such provincial legislation is passed. We believe it is the right thing to do and it is the moral thing to do for the citizens that we currently are sworn to serve.

On behalf of the Ontario Association of Fire Chiefs, we would, though, respectfully suggest to the committee that the authority for enforcement of this law, if passed, is put under the Fire Protection and Prevention Act. As members of the fire service, we are actively engaged in inspections, retrofit inspections, complaint inspections and investigations for emergencies. We believe that we would be able to provide the most efficient and economic delivery of this service for inspections because we are already inside of these buildings. It can be done in the normal course of business.

We would respectfully request, though, that amendments to the FPPA, the Fire Protection and Prevention Act, will have to be made because, right now, the way the legislation is written, it does not provide for the introduction of carbon monoxide. The minister, though, has the authority under the act to certainly amend this, and we would respectfully request that, should it go that far, the minister and the government of Ontario consider amending the FPPA to allow this introduction.

Should the government of the day choose to do so, we would also request for the delivery and the enforcement of this provision that the Provincial Offences Act also be amended. Currently, smoke alarms, under the Provincial Offences Act, have five part I ticketable offences. The Provincial Offences Act would also have to be amended to put in similar provisions, similar to smoke alarms, for carbon monoxide alarms.

At this stage, and in the interest of time, that is the comment from the OAF. Again, just to sum up, the OAF fully supports the retroactive installation of carbon monoxide alarms inside residential buildings. The OAF firmly believes this act will save lives. The OAF responds to these calls—hundreds of calls—across the province on these issues, and the OAF also believes that we would be able to best deliver and enforce this new law under the Fire Protection and Prevention Act, 1997.

Thank you very much, and I'll be happy to take any questions on behalf of the fire chiefs.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much.

Questions? We'll start with the opposition.

Mr. Ernie Hardeman: Thank you very much, Deputy Chief, for the presentation. I just wanted to go quickly to the enforcement of the law and where it rightfully belongs. I'm not disagreeing with you that the Fire Prevention and Protection Act may be the appropriate place for it to be. The question, of course, is that presently, for everything built after 2001, it's mandatory that you have carbon monoxide detectors in those homes. Does the fire service presently enforce that part?

Mr. Jim Jessop: At the present stage, no, we do not. The Provincial Offences Act does not provide us the authority for part I ticketable offences to enforce that provision of the Ontario building code.

Mr. Ernie Hardeman: So, presently, when you do a smoke detector examination of a residence, you don't have the ability to tell people that they should have carbon monoxide detectors in the home?

Mr. Jim Jessop: Only, sir, if it's done under our municipal bylaw, do we permit that. So I will speak, for example, for the city of Niagara Falls: Our fire inspectors do have that authority because it is spelled out in our municipal bylaws, so we do enforce it, and so does Brampton and the other cities that I mentioned. But, currently, under the Fire Protection and Prevention Act, we do not have the authority to enforce that provision of the Ontario building code under part I of the Provincial Offences Act.

Mr. Ernie Hardeman: Okay; and not to suggest that I want to encourage debate between you and your employer, the mayor, but there's concern expressed from some municipalities about the cost of enforcement. As you mentioned in your presentation, you already go to a number of carbon monoxide alarms to make sure that they're working properly or that they're going off even though they're not—maybe there's no carbon monoxide, but the alarm goes off anyway; sometimes they do. Do you see it as a major impact on your fire service if it was just added to make it retroactive? So, instead of just only those homes after 2001, all homes would have it? Would you see that as a major budgetary item that you would deal with?

Mr. Jim Jessop: No, sir, I do not see it as a major budgetary item. I do see some minor adjustments. There would obviously be a little bit of training that would have to be conducted, just for the short-form wording, and like all enforcement activities, there may be some additional court time. However, I do not see the introduction of the fire service inspecting retroactively for carbon monoxide alarms as another major financial or time constraint, primarily because we are in the buildings anyway enforcing the Ontario fire code, so in our position it is just another item that we would be looking for.

I can speak personally for the city of Niagara Falls. We have had the bylaw in effect now for approximately three years, and it has added little time to our enforcement time.

Mr. Ernie Hardeman: Thank you.

1410

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Questions from the third party?

Ms. Cheri DiNovo: Thank you very much for the presentation, and thank you for the clarification in response to the critic from the official opposition.

I just really wanted for you to reiterate, if you could, because of the objections or concerns, let's say, from some of the municipalities—it's your contention that it wouldn't cost that much, if anything, to enact this if we did a change to the Fire Protection and Prevention Act in terms of the municipal budgets.

Mr. Jim Jessop: The position of the OAF is that we have fire prevention officers already hired, who are already doing inspections. We have fire suppression

crews already responding. There may be some additional time required in the enforcement portion of this, but again, that always comes down to the authority having jurisdiction and local policies.

But we do not see this as a major economic or time constraint item. It is just one other item that would be required to be inspected upon us already being in the building. There may be some minor time required, but we do not see this as a major obstacle.

Ms. Cheri DiNovo: But what do you think—I'm asking you to be sort of your own devil's advocate. In light of that, why do we hear these objections from municipalities?

Mr. Jim Jessop: Ma'am, to be honest, I'm not sure. I would only be guessing that perhaps, if it was not provided for under the FPPA, there may be concern as to how we get into these buildings if other municipal inspectors aren't conducting such inspections. But unfortunately, I can't guess.

Ms. Cheri DiNovo: Fair enough. So the FPPA amendment is critical.

Mr. Jim Jessop: The position of the fire chiefs is that that would certainly be the most economic way to do this, yes.

Ms. Cheri DiNovo: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Further questions? No? We'll go to the government.

Ms. Tracy MacCharles: Thank you, Mr. Jessop, for attending today. I think you've addressed my main question, which is the advantages and the capacity issues if this was under the fire code. So perhaps I'll ask the opposite: If this was to proceed in its current form, what exactly would be the challenges, just so we can have a full compare and contrast between the current form and as you're recommending under the fire code? Thank you.

Mr. Jim Jessop: Ma'am, from the position of the OAFC—unfortunately, I can't speak for the chief building officials—we just believe that we are required by law right now, under the Fire Protection and Prevention Act, to inspect buildings upon request or complaint. We are also the service that is responding to these for emergencies, and we are the service that is conducting follow-up inspections after the fire suppression crews have mitigated the situation. So from our perspective, it would just flow naturally that if we're already there, we can certainly deal with the situation.

The fire prevention officers of Ontario are already actively enforcing smoke alarm requirements. We see this as just another extension of another life safety device that we are already legally charged to deal with, to be added to part 2 of the fire code to make it flow better.

Ms. Tracy MacCharles: A follow-up? Are there any other challenges you would see with respect to having this under the fire code, any capacity issues in terms of your own area or speaking as chair of the fire chiefs? Any concerns there?

Mr. Jim Jessop: The only concern that I suggested respectfully earlier was that we would also suggest that the Provincial Offences Act be amended so that the

option of part I tickets is available. One of the concerns regarding time constraints may be the fear of the court process involving part III information, which typically does take more time. If the option is provided to issue a ticket under part I of the Provincial Offences Act, it would certainly alleviate or help alleviate some of the concerns of municipalities that may believe that this would require more time for legal action.

There may be some training requirements that the Office of the Fire Marshal may have to assist with—those municipalities that may not have the resources of Niagara Falls or Toronto or Oshawa, for example. So there may be some training issues, but we do not believe they're insurmountable.

Ms. Tracy MacCharles: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Any other questions? Yes.

Ms. Dipika Damerla: Just a clarification on the checks: I think I heard you say that now you check the smoke alarms upon complaint. Do you also do random checks, where you just go in to check, or is it only solely on complaints?

Mr. Jim Jessop: That's a local decision, madam, and there are programs, typically around Fire Prevention Week, where we do conduct door-to-door inspections. Under the FPPA, we are legally mandated to go upon complaint or request. Certainly, after fires or other emergencies, those devices are checked. But it really comes down to the local municipality and their choice of service delivery.

Ms. Dipika Damerla: Can I have a couple more questions?

The Vice-Chair (Mr. Ted Chudleigh): Yes. I'll explain it after, but go ahead.

Ms. Dipika Damerla: Okay. In terms of capacity, I know that in some of the more rural areas, sometimes firefighting is on a volunteer basis. Do you think there might be capacity issues there in terms of being able to enforce this legislation if it's done through the fire department as opposed to police or something else like that?

Mr. Jim Jessop: Well, presently, madam, every municipality is required by law, regardless of their size, to provide certain components of fire prevention. They are legally required to provide inspections anyway, so we do not feel this should be any major capacity issue. There may be the odd one or two more that have to be done, but by law they have to conduct inspections now as it is, regardless of the size of their municipalities. So we feel, again, they have to have these services provided now for smoke alarms and other fire code violations. This, again, would just flow naturally into their duties prescribed.

Ms. Dipika Damerla: And the tickets that you're suggesting: Are you suggesting that the penalties be similar to a smoke alarm?

Mr. Jim Jessop: Yes, and thank you, madam, for bringing that up. The two provisions of the amendment to the Provincial Offences Act that we would respectfully submit would be approved short-form wording similar to

the smoke alarm wording and an approved set fine, similar to the smoke alarm set fine.

Ms. Dipika Damerla: Thank you.

Mr. Jim Jessop: Thank you, madam.

The Vice-Chair (Mr. Ted Chudleigh): No further questions? Thank you very much for coming in. We appreciate your submissions today.

Mr. Jim Jessop: Thank you, Mr. Chairman, and thank you to the committee.

The Vice-Chair (Mr. Ted Chudleigh): I'll just mention to the committee that the questioning will take whatever time is left over. We divide it by three, and each party gets that portion of time for questioning. If you go over, I'll cut you off. So don't worry about it; just keep going.

Ms. Dipika Damerla: Okay, thanks.

HAWKINS-GIGNAC FOUNDATION FOR CO EDUCATION

The Vice-Chair (Mr. Ted Chudleigh): Next we have the Hawkins-Gignac Foundation for CO Education. Welcome to the committee, sir. I'd reiterate that we have 20 minutes for presentation, which includes questions if you care to take them after your presentation. I'd ask you to state your name for the purposes of Hansard.

Mr. John Gignac: My name is John Gignac, retired firefighter and co-founder of the Hawkins-Gignac Foundation.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Please proceed.

Mr. John Gignac: Good afternoon, Mr. Chairman and members of the committee. I am pleased to speak to you this afternoon about an issue that is very personal to me and my family.

My name is John Gignac, and I am the founder of the Hawkins-Gignac Foundation for CO Education. I was also a firefighter for 34 years. At Christmastime in 2008, carbon monoxide killed four members of our family. You may remember that my niece Laurie Hawkins, an OPP officer, her husband, Richard, and their two children, Cassandra and Jordan, all died in their home in Woodstock.

This is their picture. They died because a blocked chimney vent forced carbon monoxide from a gas fireplace back into their house. They never knew what hit them and why because, like most people in this province and across the country, they did not have a carbon monoxide alarm. That is one simple device that could have saved and changed the course of our family's history. That's why Bill 20, also known as the Hawkins Gignac Act, is so important—not just to our family, but to every family. No family should have to endure the hell that we went through.

I wish I could tell you that we have had no more CO deaths since our accident, but I can't say that. Since we lost Laurie, Richard, Cassie and Jordan three years ago, more Ontario people have died. And just six weeks ago,

in Whitehorse, another family of four and their tenant also died from CO poisoning in their home.

So despite all the attention these tragedies get in the news, people are still dying. People are not getting the message. That's why this bill is so important. Without a carbon monoxide law, many people will continue to put their families in danger and many more innocent lives will be lost.

1420

Mr. Chairman, I am speaking out for my family because my brother Ben, Laurie's dad, asked me to. After the incident, when I asked Ben what I could do to comfort him and the family, he said, "Warn other people so this doesn't happen to anybody else ever again." So I came out of retirement with a new personal mission: to educate as many Canadians as I could about the dangers of carbon monoxide. I created the Hawkins-Gignac Foundation for CO Education with the hope that other lives could be saved and some good might possibly come from our pain.

My message these past three long years has been simple: There's only one way to know if carbon monoxide is present in your home. That's with one of these, a CSA-approved carbon monoxide alarm.

During my travels, I have found there is a lot of confusion about CO and its dangers. For example, many people think they will smell carbon monoxide gas and have time to escape it. But the trouble is, humans cannot see, smell or taste carbon monoxide. That's why it's called the silent killer.

Another thing I hear people say is, "I have electric heat so I don't need a CO alarm." That would be true if gas was the only potential source of CO in your home, but it's not. People are dangerously unaware that carbon monoxide also comes from wood, gas and propane fireplaces; water heaters; generators and appliances; car exhaust; and many other things. So if you have any one of these fuel-fired devices in your home or have an attached garage or carport, you absolutely need a CO alarm to stay alive and safe.

There's one more reality about carbon monoxide that is perhaps most sinister. Weeks before the accident, Laurie and the kids weren't feeling well. They assumed, as did doctors, that they had the flu and would eventually get better. But the symptoms of low-level CO exposure mimic the flu. They went back into the source of the problem: their own home. They thought they were safe there, but not long after, the silent killer took them all. That is exactly what happened in Whitehorse, too.

So clearly, education is critical if we are to make people aware of how dangerous carbon monoxide is. But passing Bill 20 into law is what will actually save lives. I honestly believe a law is the way to go. A law will make people pay attention to CO safety. A law will motivate them to protect their families by installing a CO alarm. A law will cut down on thousands of emergency room visits every year. And yes, a CO law will save lives.

Mr. Chairman and members of this committee, as you might understand, our family is very frustrated that this

bill has twice unanimously passed second reading only to stall. To us, a carbon monoxide law is a no-brainer. So here I sit again with the support of so many people and organizations like the ones here today and those who have taken time to contact me personally since our tragedy. Mr. Chairman and members of the committee, it is time. We need this law passed so the silent killer can't claim any more lives in Ontario.

When Ontario does make a CO alarm mandatory in homes of any age with a fuel-fired device or attached garage or carport, we will be joining other forward-thinkers who have already done the same thing. Many Canadian cities and towns have already adopted municipal CO bylaws, including my hometown of Brantford and, most recently, the city of Orillia. In the US, there are over 30 states that have CO laws. Even the entire country of Australia is doing the same thing. There's no reason for Ontario to delay any longer.

I believe this bill, now revised, accomplishes what it is intended to do: protect any Ontario citizen at risk of death from carbon monoxide by requiring the installation of a CSA-approved CO alarm. These alarms are not expensive and last seven years. It costs about two cents a day to protect those you love. What are we waiting for?

In closing, when people ask me how I keep going, I say, "How can I not?" I still feel Laurie tapping me on the shoulder, saying, "Keep going, Uncle Johnny." She, Richard, Cassie and Jordan are here with us all today. I know it.

To honour their memory, and for all the lives that we will be saving in the future, I implore you to pass the law. Thank you for having me.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much for your presentation. We have just under 15 minutes; there will be about four and a half minutes per caucus. We'll start with the NDP.

Ms. Cheri DiNovo: Thank you, John. I speak on behalf of the whole New Democratic Party caucus and say that our empathy goes with you and your family, and our kudos for continuing on with the struggle, for these many years. Certainly, it's our intention, as well, in the New Democratic Party, to see this bill passed. It may need a bit of tweaking, but it's certainly our intention to see it forward this time. So thank you.

Mr. John Gignac: Thank you for your support.

The Vice-Chair (Mr. Ted Chudleigh): Government? Ms. MacCharles?

Ms. Tracy MacCharles: I just want to say thank you for being here and for the work you do. I appreciate it, as do many people. I know my colleague has a specific question as well, but I just wanted to thank you, Mr. Gignac, for being here.

Mr. John Gignac: Thank you.

Ms. Dipika Damerla: And I also thank you for that very heartfelt and emotional testimony that you gave. I'm certainly going to make sure that mine is working when I go home today.

I just had a very quick question; you don't have to answer it. I'm just curious, because you mentioned that

there are a number of states in the United States and Australia that are considering it, and I was just wondering if you were aware if they're doing that through the fire department. Do you have any idea? I'm sure we can research that, but I was just wondering if you could shed any light on that.

Mr. John Gignac: The fire services that I've talked to and that have passed the bylaws as well as the laws in the States: They are in strict enforcement in the States. Here in Canada, like the speaker before me indicated, it's difficult for us to get started on this because of the criteria that we have to follow to make sure it's enforced properly.

To me, I'm a retired firefighter and it should sit in our laps. The fire service is the one that's out there doing the work, and to me, it's a no-brainer. There's no reason why it shouldn't be done. It's just some words. But while we sit and we struggle with wording, we're having other citizens in Ontario affected by carbon monoxide. To me, the longer it takes, the more people are being affected and other people are dying. So yes, it's a natural fit for the fire service, and in the States, they're already enforcing it, especially in California. It was one of the first states, and they are in full enforcement.

Ms. Dipika Damerla: Thank you very much.

The Vice-Chair (Mr. Ted Chudleigh): The opposition? Ms. McKenna?

Mrs. Jane McKenna: Thank you so much, John. I feel your frustration, and I'm sure it seems like such an easy thing to put forward. My empathy is with you. Thank you so much for coming out. I'm sure it was very difficult to speak about that.

I do have a question, though; I'm not sure if you can answer it. When my colleague Mr. Hardeman started this with Bill 20, I actually looked on Google just to go and buy one myself. I realized, when I was on there, that there were lots that said, "This one doesn't work. Don't buy this one." So if it does go through, will you be regulating, or is there a way to regulate, the actual carbon monoxide devices that you have so that we don't have one in our house and it fails to work?

Mr. John Gignac: I have done personal research on some of the CO alarms. In Canada, we have very stringent laws that govern them already; they have to be CSA-approved, etc. So the alarms that are out there are probably the most efficient that you can buy, especially in Canada. Our laws are very stringent, and these CO alarms—sure, they're like smoke alarms. We're going to have the odd false alarm, just like CO, but for every five false alarms, if we save one life I think it's well worth it.

To regulate—I don't think we can do that, because I think the CSA and the ULC—there are stringent laws now that they have to face. The companies, I have found, have put their detectors through a number of stringent tests, and by the time they come to the forefront for us to buy them, they're already there and they'll save lives. They will save lives. But to answer your question, I think the way they are being developed now, it's a pretty good system.

Mrs. Jane McKenna: Thank you very much.

The Vice-Chair (Mr. Ted Chudleigh): If I might ask a Chairman's question—it's very unusual, by the way—you mentioned that they're only good for seven years, or they last seven years. After seven years, they should be replaced?

Mr. John Gignac: Yes. In Brantford, we had a lady that was at one of our church meetings—and this is going off topic for second, but she had an alarm in her house that was seven or eight years old, and she asked me to go over and have a look at it. When I went over, I said, "It's beeping. The reason it's beeping is that after seven years those alarms will start chirping and will not shut off. That's telling you, after seven years, that that detector is no longer good." So what we did is we put CO detectors in her house, because I don't like leaving a house that doesn't have a good, working, CSA-approved detector. I put one in, and 10 months later it went off when her chimney collapsed, and it saved their lives. So the foundation was directly responsible for that. But to answer your question, they are good for seven years and they have it built in. They probably could last longer, but they have a safety factor built in where they only go for seven years and then it will shut off.

The Vice-Chair (Mr. Ted Chudleigh): But it will chirp if it's not working?

Mr. John Gignac: Yes.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much, and thank you for coming down to the committee.

Interjection.

The Vice-Chair (Mr. Ted Chudleigh): Oh, do you have another question? Sorry.

1430

Mr. Ernie Hardeman: Yes, thank you very much, Mr. Chairman. I want to thank you, John, not only for making a presentation today but for all the work you've done on this topic since three years ago. Speaking for myself, if it hadn't been for your foundation, I likely wouldn't be here for the third introduction of the same bill. I think I would have likely given up long before today. But it was your foundation and the support of the people that were affected by this that kept driving one on, because it must be the right thing to do.

One of the things we've said right from when we started three years ago was that the most important thing was the public's understanding of what was happening. It's not so important that we have a law; it's that we have a process in place that more and more people are putting them in their home. I think that number has increased dramatically since the Hawkins family perished in Oxford.

What I was really, I suppose, disappointed with today as I got here—I have a letter from the Rural Ontario Municipal Association, representing all rural municipalities. Two of their concerns—one is the cost of retrofitting. After three years, we still haven't gotten municipal government to understand that it's a matter of going to the Canadian Tire store or any other store that

sells detectors, buying one and going home and plugging it into your outlet. Yet people in that—and I'm not finding fault with them, but our communications haven't got out so that everybody understands what we're talking about. I think you've done a great job.

Hopefully, we'll get it through this time, but I want to encourage you and the foundation not to lose sight of the fact that even after the law is passed, a lot more needs to be done to get people to understand that this is for their protection and not just to make provincial politicians happy because we did the right thing. It's important that we move forward and protect the people in their own homes.

Just shortly before this happened, I put them in my own home. I spent 25 years as a rural firefighter. I didn't have one in my home. I just happened to put one in, because I had done some work on my own furnace, and I was a little cautious of whether the pipes I'd put in for the chimney were of the quality and put in the way they should have been, so I thought, "Well, just for protection, I'll buy one of those," and I plugged it in.

Everything was fine with my furnace, but about two months later, I was in town and I get a phone call: The alarm in my basement is going off. What are you supposed to do? Well, being who I am, and my association with the fire department, I didn't really want Reta to call them, as I'd never live it down if it wasn't necessary. So I said, "Just go outside and wait till I get home." Like a fool, I went downstairs. It was going off, but it was just a dead battery. I took it outside. We laid it outside and pulled the battery out and put a battery back in and everything was fine. But the thing is, I didn't know either. But if that had been real carbon monoxide, it would have been too late if we hadn't had it in our basement, if we hadn't had the detector there. So I think everyone needs to understand how important it is to have them.

I got another call—if I've got a minute—from a family who had bought one and had it in their basement. It wasn't hooked up yet, and in fact it went off. They called the fire department, and it was carbon monoxide in their basement. They never used their basement except for the grandkids when they came over, and they were coming over that day. If that hadn't gone off, they would have been sleeping down there while that was going on.

That's the importance of this, and I want to thank you for all the hard work you've done on it.

Mr. John Gignac: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much, Mr. Hardeman. If we can take any lessons from that, we shouldn't use used batteries when we've got a new carbon monoxide detector.

Mr. Ernie Hardeman: The neighbours won't give them to me brand new.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much for coming in, sir. We appreciate your dedication and your life's work.

Mr. John Gignac: Thank you, Mr. Chairman and committee, for having me.

SAFE KIDS CANADA

The Vice-Chair (Mr. Ted Chudleigh): I would now call Safe Kids Canada, if they would come forward. Thank you. You have a distribution? Thank you very much for coming. We have 20 minutes together, and what you don't take as a presentation, we'll use as questions, if that's okay with you.

Ms. Amy Wanounou: Sure.

The Vice-Chair (Mr. Ted Chudleigh): Would you please identify yourself for Hansard.

Ms. Amy Wanounou: My name is Amy Wanounou, coordinator of government relations and public policy for Safe Kids Canada.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Please proceed.

Ms. Amy Wanounou: Thank you for the opportunity to speak today and share Safe Kids Canada's views on Bill 20.

Safe Kids Canada is the national injury prevention program of the Hospital for Sick Children. By building partnerships and using a comprehensive approach, we work to advance safety and reduce the burden of injuries. We welcome the opportunity to share with the committee our opinion that making CO alarms mandatory in all Ontario homes is a critical component in ensuring that needless injuries and deaths from CO poisoning are prevented.

Carbon monoxide is a leading cause of accidental poisoning deaths in Ontario. To date, there have been multiple Ontario deaths and near-misses involving CO, including the tragic loss of the entire Hawkins family in Woodstock in 2008. These tragedies could have been prevented with a simple solution: the mandatory installation of working CO alarms in all homes, regardless of their age.

I would like to first discuss the overall burden of injury in Ontario and the impact that injuries can have on an individual and society. I will then discuss the role that CO alarms can play in improving the overall injury picture in Ontario.

Few are aware that injuries, such as those sustained in motor vehicle crashes, pedestrian incidents and drownings, are the leading cause of death for children and youth, as well as all Canadians between the ages of one to 44. The same is true in Ontario. Between 2001 and 2005, over two million Ontarians visited an ER, over 120,000 were hospitalized and over 18,000 lost their lives due to an injury. In 2004 alone, injuries cost Ontario \$6.8 billion. The good news is that the vast majority of these injuries are preventable.

These sustained injuries, which are potentially fatal, place immediate and unplanned demands on the system, resulting in a significant allocation of health resources to treatments as a result of an injury. No part of the health care system is untouched by an injury. Emergency room visits, wait times for services like orthopedics, community-based care, family physicians, acute care institutions and rehab services are all involved in responding to the short- and long-term impacts of an injury.

For injury survivors, the need for care and the potential for permanent disability can have far-reaching impacts on their health, education, social inclusion and on their family's livelihood. Many are left with ongoing physical, mental or psychological disabilities, which have a major impact on their own lives, as well as on the lives of their families. The impact on a family when a loved one loses their life to an injury cannot be quantified.

Unintentional injuries are often described as accidents, which by definition are unpredictable and unpreventable random events and the result of chance, bad luck or something else over which we have no control. In reality, we can predict and, therefore, we can prevent unintentional injuries. We know that effective strategies save lives, substantially reduce health care costs and offer a high return on investment. Many effective strategies exist currently and simply need to be implemented. Bill 20 will significantly contribute to addressing this injury burden in Ontario.

Poisoning, in general, accounts for a significant portion of Ontario's injury burden. Specifically, carbon monoxide is a leading cause of accidental poisoning deaths in Ontario and in Canada. In total, 414 Canadians died of CO poisoning between 2000 and 2007, including 87 in Ontario alone. On average, each month close to 150 people are treated in an ER for CO poisoning; in other words, the same amount as seven and a half classrooms of children and the entire workforce in a mid-sized factory.

During the 2007-08 fiscal year, there were more than 1,700 emergency department visits and 102 hospitalizations due to CO poisoning. Because CO poisoning is often misdiagnosed and its signs and symptoms often mimic many other conditions, these figures could be just the tip of the iceberg.

Everyone is vulnerable to CO poisoning—it doesn't discriminate. As we know, carbon monoxide is colourless, odourless, tasteless and produced by sources that run many common household appliances and heating sources. Without a CO alarm, families are unable to detect the presence of this poisonous gas in any concentration. That is why carbon monoxide is referred to as the silent killer.

The majority of unintentional CO exposures occur in the home, and children are at increased risk of CO poisoning because of their particular biology. Children have smaller bodies, they process carbon monoxide differently than adults and they may be more severely affected by it. But alarms do provide a critical early warning of CO exposure, enabling people to escape safely before the gas impairs their judgment and disables their motor skills.

Importantly, studies have shown that half of all CO poisoning deaths could be prevented by a CO detector. That means that of the 414 Canadians who died of CO poisoning between 2000 and 2007, more than 200 of them would be alive today.

1440

At Safe Kids Canada, we see first-hand what works in preventing unintentional injuries, and it requires a com-

prehensive approach. In injury prevention, what works runs the gamut between active and passive approaches. In contrast to active interventions that require conscious action at the individual level to be effective, passive interventions are preferred because they are automatic, protect everyone and require no action or co-operation from the individual. In doing so, they reduce the need for constant vigilance by individuals to protect themselves or their families and allow for the inevitable human error and fatigue.

Certain areas of our work in injury prevention illustrate the benefits of a passive intervention. In the case of consumer products, it is often easier and more effective to change the design of a product to make it safer than it is to teach everyone how to use it properly.

For example, after the introduction of child-resistant lighters, the cases of children being burned by these products declined.

Another example: playgrounds. Children use equipment in all possible ways, regardless of their design intention. For example, rungs at the entrance of slides are used for tumbling, and children slide on top of tubes instead of inside them. Well-designed playgrounds encourage a child to take risks within a semi-controlled environment that protects them from a hazard that they may be unable to foresee.

In the case of CO poisoning, active intervention is not possible, because it cannot be detected. The only option to ensure safety, in this case, lies in adopting the passive intervention of installing a CO alarm in all homes.

Legislation is an effective way to safeguard the lives of all people in Ontario. This is especially true in the case of CO poisoning, where few are aware of the importance of having an alarm. While many people are aware of the importance of smoke detectors in the home, a smaller proportion of people are vigilant when it comes to purchasing CO detectors for use in the home, despite their relatively inexpensive cost.

According to a recent national home safety poll, 60% of Canadians do not have a CO alarm, 15% believe they last forever, 18% believe they are only needed if you have a gas furnace, 44% do not have their heating or other combustion systems checked annually and 26% do not think they have to replace CO alarms every five to seven years.

In reality, CO alarms have a lifespan of five to seven years, gas furnaces are not the only possible source of CO in the home, and home heating systems and other combustion systems should be checked each year.

As with other injury issues, a comprehensive approach is most effective and would involve public education, environmental changes—which in this case would be the installation of the alarms—and the enforcement of this requirement. Public awareness activities would be a crucial first component to the enactment of Bill 20, but legislation is a critical step in ensuring compliance and that all residences in Ontario are safe.

The public needs to be educated on the simple ways of preventing CO poisoning and the mitigation of hazards,

such as the best placement of alarms in their home, annual maintenance of all fuel-burning devices and furnaces, and the recommendation that homeowners have their complete heating systems checked before every heating season.

Now is an opportune time for Ontario to take the lead in preventing one of the most insidious causes of injury, disability and death.

In the US, 35 states have passed legislation requiring CO detectors in homes. There they have seen a correlation between the cities that have CO laws and lower death rates from CO poisoning.

In recent years, a number of Ontario municipalities have enacted CO alarm bylaws to include all homes, regardless of age. The most recent was enacted in Orillia last week. The same safety provisions should apply everywhere in the province. At Safe Kids, we have heard from private citizens in other provinces urging Ontario to pass Bill 20 to serve as an example in their own province.

Investment in poison prevention strategies is also cost-effective. One dollar spent on poison prevention saves \$7 in health care costs. By extension, protecting Ontario families from carbon monoxide also makes good economic sense. Most CO alarms cost less than \$35, about two cents a day over the suggested lifespan of an alarm.

Alarms are also regulated by the CSA, which is viewed as having the highest testing protocol standards in the world, so product efficacy is assured.

Lives could be saved every year through a simple and readily available solution. As everyone recognizes the necessity of having a smoke alarm in one's home, we urge the passage of Bill 20 in order to acknowledge the necessity of protecting one's family from CO. The nature of CO requires that people have an alarm system in their homes to warn them of the presence of dangerous levels. The solution is known and is at our fingertips.

We ask that you pass Bill 20 without delay because every Ontario resident deserves to be as safe as possible in their own home. Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. We have about three minutes for each caucus.

Government caucus, Ms. MacCharles.

Ms. Tracy MacCharles: Thank you for your presentation. It was excellent. I really appreciated the part of your presentation on the myths versus facts of these detectors, as highlighted by the previous speaker as well.

What, in your mind, is the most important thing that the government can do to address those myths versus facts, such as the belief that they last forever and it's not an issue of a gas furnace, those kinds of things—how best to get the word out, especially as it affects our youngest population, our children?

Ms. Amy Wanounou: At Safe Kids, what we've seen as most effective, along with legislation, is the public awareness component. It's the idea of crafting messaging that the public can easily digest and being repetitive and consistent about it so that it becomes a message that people have at their fingertips. In the same way that we now know that smoking is bad for you and that second-

hand smoke is not something that is beneficial to you and that smoke alarms should be in every home, we need that messaging repeated and reiterated so it becomes common knowledge. The government is well positioned, I think, to do that.

The Vice-Chair (Mr. Ted Chudleigh): Further questions from the government? No?

The opposition, Mr. Hardeman.

Mr. Ernie Hardeman: I just wanted to go a little further on that. We all know that since 2001 smoke alarms have been mandatory in all residences, new-build and retroactively—carbon monoxide at that time was mandated in new-build but not retroactively, but they're both discussed in the same piece of legislation of 2001. Why is it that the public hasn't caught on to the importance of the silent killer, the one that they can't hear, see or taste, when, in fact, the smoke detectors—though not everybody has an active one in their house, everybody seems to know they're supposed to have one. What do you suppose happened in that mix that people don't see the importance of CO detectors?

Ms. Amy Wanounou: Dating back to 2001, I'm not entirely sure why smoke detectors caught on more than CO detectors. Perhaps it's a link with second-hand smoke and smoking. That was a very front-of-mind issue for many.

I go back to the idea of public awareness and the messaging that needs to come from not just the government but, I would propose, a collaborative approach between the government, industry, like the Canadian Tires, as well as non-profits who are working in the field, to get the message out to the communities, to the public health units, who can also disseminate it to their local populations as well.

Mr. Ernie Hardeman: I just wanted to, again, thank you for coming in and bringing forward the other parts of the bill that, in my mind, I hadn't given any consideration to, such as the value as it relates to the number of emergency room visits. We know that a lot of people, including the Hawkins family, had actually made some emergency room visits and gone to see the doctor about their health before it finally happened, because they were not feeling well already. Up until now I hadn't really given that—this was all about saving lives as opposed to looking at our other expenses that, in fact, would be reduced; the same as telling people they should quit smoking, and so we would have less health care costs for the people who smoke. I really appreciate you bringing that position forward, that there are a lot of benefits here to not only save people's lives but to keep them healthy while they're doing it.

The Vice-Chair (Mr. Ted Chudleigh): Questions? To the NDP.

Mr. Michael Mantha: Thank you so very much for coming in with your presentation. It was fascinating. There's something that just jumps out at me. It says, "\$1 spent on poison prevention saves \$7...." With the budget being on us, this is something that I have to ask: Where does that number come from?

Ms. Amy Wanounou: The specific report that that comes from is from Smartrisk's *The Economic Burden of Injury in Ontario*, published in 2009. What that is is a figure that has come out of a calculation of the social and economic costs that prevention can save. So if a bike helmet, for instance, was to cost \$10, then the social and economic benefits financially would translate into \$70.

1450

Mr. Michael Mantha: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): We have one more question.

Mrs. Amrit Mangat: Can you please shed some light on how well-designed playgrounds can help protect children from unforeseeable hazards?

Ms. Amy Wanounou: Playgrounds?

Mrs. Amrit Mangat: Yes.

Ms. Amy Wanounou: For instance, one of the things that we advocate for at Safe Kids Canada is Canadian Standards Association-approved playgrounds. What that means is that certain aspects of it are designed in a way to reduce the potential of serious injuries to children—not the bumps and bruises that happen normally in terms of play but the serious; for instance, brain injuries. For instance, the surfacing on a playground has been designed to absorb a shock when a child falls. Choking hazards have been removed to prevent strangulation. Part of that component is also messaging: We advocate that children not be wearing a helmet while they're playing on a playground because that is a strangulation hazard.

Mrs. Amrit Mangat: How is this correlated to carbon monoxide?

Ms. Amy Wanounou: Because it's about the construction and the use of the environment. The correlation would be that CO alarms should be in your home to make the structure of your home safe. That's the environmental change that we advocate for in this regard.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much for coming in today. We appreciate your presentation.

Ms. Amy Wanounou: Thank you for having me.

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Vice-Chair (Mr. Ted Chudleigh): We now have the Ontario Professional Fire Fighters Association: Mr. LeBlanc. Welcome to the Standing Committee on Social Policy.

Mr. Fred LeBlanc: We have copies of our presentation here as well.

The Vice-Chair (Mr. Ted Chudleigh): Good. Welcome to the Standing Committee on Social Policy. You have 20 minutes to make your presentation and answer questions if you would take questions after your presentation, given that there's that time. Welcome to the committee. Please identify yourself for the purposes of Hansard.

Mr. Fred LeBlanc: Okay; thank you very much. My name is Fred LeBlanc; I'm president of the Ontario Professional Fire Fighters Association. With me today is Barry Quinn; he's the secretary-treasurer of the Ontario Professional Fire Fighters Association.

First off, I'd like to thank the committee for giving an opportunity to make this presentation in support of Bill 20 today. Just very quickly by way of some background, the Ontario Professional Fire Fighters Association is an organization that represents 11,000 full-time firefighters across the province of Ontario. Our members are emergency responders through our suppression division. We also represent fire prevention, inspection and public education members. We have members who provide training, emergency communications and maintenance for much of Ontario's fire service. Our locals are typically municipal and run at the municipal level. We have 80 locals across the province: 77 municipal, two airport and one industrial. From the latest census numbers back in, I guess, 2011, our members respond to about 81% of Ontario's population's emergency needs.

Moving on to Bill 20, we've supported this concept in the past as well, and we're glad to offer our support today to Bill 20. We're acutely aware in our emergency response, more so than anything, of the effects of carbon monoxide poisoning and, sometimes, its tragic results. It's actually becoming one of the larger portions of our call volume from a suppression or emergency response component. The firefighters responding out there are aware of what carbon monoxide poisoning is and what it can do, the signs, the symptoms etc. Having early detection, just like smoke alarms and smoke detectors, is good for public safety and firefighter safety.

The areas that we would note within the bill come under three distinct titles. One is oversight and monitoring. We note that the bill very similarly talks to owners and landlords being responsible and providing information to tenants etc. about carbon monoxide, the detectors that they have. With that, we believe—and I know there's some reference from the previous speaker to CSA—that it would be wise to give some consideration for inclusion in the bill about the standards of ULC and CSA.

I know that as a captain in Kingston fire, and Barry's a captain in Ottawa, when we go to these types of calls, one of the things we look for in a carbon monoxide detector is that ULC/CSA label, because that gives us some confidence of the product itself and that it should be working within those manufacturers' outline and that it's met certain standards prior to its manufacturing. So that's something that we look for. We think it's worth some consideration, certainly, in the legislation, to be specific about the type of standard, and we would recommend that the committee give some consideration to the inclusion of ULC/CSA standards.

One of the other aspects as well that leads in from the oversight and monitoring is having that confidence in the owners and landlords that they're actually carrying out what they're supposed to with the intent of the legislation, and that gets us into the inspection and enforce-

ment components of the bill—or, from what we have seen, maybe some lack of clarity with respect to that. At the end of the day, if the bill passes, whose responsibility is it going to be to actually enforce the bill? In the fire service, we do have a lot of experience enforcing the aspects of smoke alarms and the mandatory nature of those alarms and detectors being required in residences. We have some legislative ability to do that under the Fire Protection and Prevention Act. So I guess our question is, who is going to be responsible at the end of the day to ensure that carbon monoxide detectors are actually in place? We think that maybe this is an opportunity for this committee to give that consideration and maybe put forward necessary amendments into the act.

The FPPA, the Fire Protection and Prevention Act, gives us the authority to enter premises for inspection purposes, and it also allows us to look at the installation of smoke alarms—that they are present, they are working etc. The other side of that is, what happens when there's non-compliance? We do have the ability to issue tickets and issue fines to owners, landlords etc. when there is non-compliance. If we're looking at the intent of this act to walk hand in hand from smoke alarms to carbon monoxide detectors—that they're both life-saving devices, which we believe they are—then to follow along that good public policy, we need to make sure that there are some enforcement capabilities and penalties associated with non-compliance, to ensure that there is teeth, I guess, the necessary teeth, within the legislation.

The other thing that I think needs to be considered—and it's my understanding, I guess, from a private member's bill that money issues, or monetary issues, may not be included. I may be wrong with that; it's just my understanding. But some consideration needs to be lent to additional resources if this bill is passed and we get into the mandatory nature of a CO. I know there already is that in the post-August—what's the date on that again, Barry?

Mr. Barry Quinn: August 6.

Mr. Fred LeBlanc: August 6. For fire departments or whoever may be responsible, it's looking at whether it's public relations materials or training materials for those who are carrying out the enforcement. I'm just looking at it, obviously, from a fire service perspective, that there may be, or there should be, some consideration for some of those additional resources. Whether that comes from a provincial level, through a fire marshal's office or something like that, or if it's drilled down at a local level, can they carry out the extra workload? Many departments may be able to do that. In many departments, the suppression or emergency response divisions work hand in hand with their fire prevention divisions to carry out the smoke alarm programs. But when you get to smaller departments, that's when the resources are a little bit tighter and a little bit more difficult to spread out. I just raise that as some consideration for the committee as you move forward in your deliberations with respect to the bill and what its potential impact may be, should it get passed.

In conclusion—and I'm going to turn it over to Barry, if he has any further comments before we open it up for questions—I just want to go on the record that the OPFFA does support Bill 20 and its intent. We believe that it's good for public safety and firefighters' safety, and it would be good public policy. We do ask the committee, though, to give some consideration to the areas that we have mentioned for any potential amendments that may make the bill better.

With that, I'll turn it over to Barry, if there's anything that he'd like to add, and if not, we'll open it up for questions.

Mr. Barry Quinn: No, I think Fred captured all our points. The rest of them, you can read within the handout that we gave you.

Mr. Fred LeBlanc: With that, we'll just say thank you again for the opportunity to present here today.

1500

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Questions? We'll start with the opposition, Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much, Fred, for your presentation. I don't believe you were present yet, but we had a fire chief speaking to us and he spoke about the monitoring and enforcement of it. His presentation was that in fact if you put it under the Fire Protection and Prevention Act, and you're doing it for smoke alarms already, there would be very little extra activity involved in order to implement it for CO detectors too. Then the question was asked: What about smaller departments? We were told that in fact smaller departments had the same obligation to deal with the smoke alarms as larger departments. If they're having difficulty doing it now, the difficulty will continue, but the actual increased cost would be minimal. Is that the same thing that I just heard you say?

Mr. Fred LeBlanc: If there is going to be a challenge, it would be more so in the smaller departments, like you say, if they're already having challenges living up to the smoke alarm programs or smoke alarm requirements from an inspection standpoint. I just raise that as certainly some consideration that needs to be there.

The fire chiefs would be in a better position than us to talk about their own resources, what's available to them and what they can work in conjunction with the Ontario fire marshal's office as well. But we just raise that as certainly some consideration, if there are going to be extra inspections required, that it should be at least considered. I apologize; I wasn't here for the fire chiefs' presentation.

Mr. Ernie Hardeman: Yeah. I appreciate that. Going on with that, the same fire chief who mentioned the fact about the Fire Protection and Prevention Act also mentioned the Provincial Offences Act, that it should be there to allow penalties to be applied for non-compliance. Since the revenues of the Provincial Offences Act go to municipalities, would that, in your opinion, be a way to fund, shall we say, the extra cost to municipalities for enforcement?

Mr. Fred LeBlanc: I think it would be an excellent way to support, if there's any additional resources required.

Mr. Ernie Hardeman: Very good. Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Questions? The NDP?

Ms. Cheri DiNovo: Thank you very much for your presentation. I echo some of Ernie's concerns. We heard, as I say, the presentation prior to yours of the fire chiefs of Ontario. Two things they said that hit home to me were that the Fire Protection and Prevention Act needs to be amended—we need an amendment to amend that—and the Provincial Offences Act also needs to be amended.

I very much liked your mention, though—that was the first time I'd heard it—of a possible amendment calling for conformity to the ULC and CSA designations for any devices that are used. Again, the fire chiefs said that resources are not a problem; that if it came under the fire protection act, this would be a minor variance upon the duties that are already—in other words, I assume if somebody's wandering into a house looking at a smoke detector, it's not a stretch to look at the carbon monoxide detector as well. So that was where they were coming from.

Again, if we're looking at those amendments, which it seems to me that we're looking at right now, that would solve the municipalities' objection as well around cost, because we have heard from the municipalities, and their concern was cost: How are they going to fund this and what's it going to cost? I think we're already hearing about amendments, and they're being seconded in a number of venues.

I thank you for coming, and I thank you also for doing what you do every day.

Mr. Fred LeBlanc: Thanks. The CSA comment comes from personal experience in responding to these calls, where it's a carbon monoxide detector that's gone off and we learn through questioning the homeowner or tenant, whoever purchased the device—sometimes they purchase it outside of the country, and then that puts into question the manufacturing that's gone in behind it. That's why we raise that today, that if there's an opportunity to actually put "ULC/CSA," we think that it would be a worthwhile amendment.

Ms. Cheri DiNovo: Good point.

The Vice-Chair (Mr. Ted Chudleigh): Michael? Nothing? The government? Mr. Flynn?

Mr. Kevin Daniel Flynn: Fred, thanks for the presentation. Two things I wanted to ask you—one was about single family homes and the other was on multi-residential. Your members, I'm sure—I'm not sure; I guess I'm asking the question—may have seen instances where a home has had a detector but it hasn't been in the right place. Are there any guidelines for where detectors should be placed in the home? Is the gas heavier than air or is it lighter than air? Should it be in a hallway, in a basement?

Mr. Fred LeBlanc: Typically, we look for it in the sleeping area.

Mr. Kevin Daniel Flynn: Okay.

Mr. Fred LeBlanc: I believe the previous speaker talked about how some of the signs and symptoms can get confused with other illnesses. It's usually flu-like symptoms, and we generally would see people head to their bedroom to lie down. That's why we recommend typically in the sleeping area, so if the carbon monoxide gets up to a certain level and mixes with the air—that's what it does; it mixes with the air in the home—that that would set off the detector in that area, because people who are suffering from those symptoms, typically that will be the first place they'll go.

Mr. Kevin Daniel Flynn: Great. Thanks, Fred.

The other question is on the multi-residential. I've had some discussions with groups about the placement of these in either apartments or condos. You note that it wouldn't be needed in a place that there is not a fuel-burning appliance, or the suite isn't adjacent to a fuel-burning appliance or a storage garage. What, in practical terms, would be an example of a suite that would not need a CO detector? Would it be in, let's say, a simple apartment that's got steam heat and has an electric stove, for example?

Mr. Fred LeBlanc: Yes, that could be an example. The references in our document are pulled directly out of the legislation as to how it's defining the residential aspect of it. If it's a suite, I think, is what's identified in the multi-residential. If you're going to be attached to something that has that fuel-burning appliance—I guess when you get into more high-rise-type condos, if you can ensure somehow that there aren't any fuel-burning appliances adjacent to, above or below, then you can feel more comfortable that the requirement may not be there.

Mr. Kevin Daniel Flynn: Okay. The next delegation probably has something to say on that. I just wanted to get your perspective on that before we move to them.

Mr. Fred LeBlanc: I don't know, Barry, if you have anything further.

Mr. Barry Quinn: Some of the calls in my district back in Ottawa stem from vehicles idling in garages, especially when it gets cold during the wintertime, and it's not necessarily their vehicle. Houses, although they're supposed to be airtight—or airtighter—they're not all that airtight, so it migrates from suite to suite.

Mr. Kevin Daniel Flynn: Thank you very much.

The Vice-Chair (Mr. Ted Chudleigh): Ms. Mangat?

Mrs. Amrit Mangat: Thank you for coming here today. You spoke about that there is a lack of oversight and monitoring of how the detectors are installed, maintained and serviced, and you would like to see some kind of language in the bill. Would you mind sharing with the committee members what kind of language you would like to see in the bill?

Mr. Fred LeBlanc: Well, I think when I talk about oversight and monitoring, the responsibility is on the owners and landlords the way the bill is drafted, which is not unfamiliar to us when we're looking at smoke alarms. But I think if you're looking at language to meet the oversight issue, it takes you and walks you right into the

enforcement side where I talk about inspection and enforcement and who has that responsibility. If it is the fire service, then it's a matter of making sure that they have the tools to go in, from an enforcement side and a penalty side, to make sure that they can put some enforcement on that owner or landlord if they're not complying.

So if we're looking for language, I think the best route is identifying who's going to do the enforcement and giving them the tools to do the enforcement, which would include some type of a penalty for lack of compliance.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Thank you, and thank you very much for coming in and sharing your views with us today. It's very valuable to the committee.

Mr. Fred LeBlanc: Great, thank you.

FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO

The Vice-Chair (Mr. Ted Chudleigh): We'll now move to the Federation of Rental-housing Providers of Ontario: Mr. Brescia and Mr. Chopowick. Welcome to the committee.

Mr. Vince Brescia: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): We have 20 minutes to make your presentation and to answer questions, and if you would please identify yourself for the purposes of Hansard.

Mr. Vince Brescia: I'm Vince Brescia, the president of the Federation of Rental-housing Providers.

Mr. Mike Chopowick: Mike Chopowick, manager of policy with the Federation of Rental-housing Providers of Ontario.

Mr. Steve Weinrieb: Steve Weinrieb, property management.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Please continue.

Mr. Mike Chopowick: Good afternoon, and thank you for allowing us the opportunity to speak to you today regarding Bill 20. My name is Mike Chopowick, as I introduced myself, and the Federation of Rental-housing Providers of Ontario represents over 2,300 landlords and property management companies across the province.

We commend the effort made by those in developing this proposed law in an effort to improve safety in residential dwellings. This bill, as indicated, requires owners of all residential buildings to install carbon monoxide detectors in the buildings and maintain them in operating condition.

1510

In your consideration of this bill, however, we ask that special attention be paid to ensuring that the bill's new requirements are very clear and practical as to exactly in what instances CO detectors would be installed. And we want to draw your attention to a few specific sections in the bill and how they're worded.

The first one that raises a concern for us is the inconsistency between section 15.8.1(4) and the one that

follows that, section 15.8.1(5), which reference one-bedroom suites and one-plus-bedroom suites, respectively. Our main concern with the bill is that the current wording may inadvertently require carbon monoxide detectors in all residential suites, whether or not they are anywhere near a fuel-burning appliance. We don't think this was the intention of the bill, and it's something that can be easily addressed. We don't think it makes sense to require the installation of carbon monoxide detectors where there will be no risk from carbon monoxide poisoning.

The main problem arises here because when you look at sections 15.8.1(4) and then 15.8.1(5) following it, they're clearly inconsistent with one another. We recommend, and I'll explain why, that section 15.8.1(4) be removed entirely and that in the following section, 15.8.1(5), there be no distinction between one-bedroom suites and one-plus-bedroom suites, preferring the language, regarding the circumstances, that's used in 15.8.1(5).

Our reason here is that section 15.8.1(4) requires that if a suite has one bedroom, then the carbon monoxide detector must be installed adjacent to a sleeping area, regardless of where a fuel-burning appliance or storage garage is located.

With respect to a suite that is more than one bedroom, which is in section 15.8.1(5), it provides practical and clear identifiers for where and when a carbon monoxide detector is to be installed, based on the location of the fuel-burning appliance, a service room or a storage garage.

As currently drafted, Bill 20 would require, for example, a one-bedroom suite on the 12th floor of a residential high-rise, with a fuel-burning appliance or storage garage in the basement, to have a carbon monoxide detector, but a two-bedroom suite on the same floor would not need one. We don't believe that the drafters of Bill 20 intended this very inconsistent result between one-bedroom suites and suites that have two or more bedrooms.

We're very concerned that, as currently drafted, Bill 20 would require all one-bedroom suites in residential buildings to require a carbon monoxide detector to be installed in the suites, regardless of where a fuel-burning appliance or storage garage is located. This would be an unnecessary expense that doesn't provide any benefit or improvement to health or safety. Units on upper floors of apartment buildings, far away from the furnace room, do not face a carbon monoxide risk, and this is reflected in many current municipal bylaws, where these floors are exempt from CO detector installation requirements.

More appropriate wording is in fact contained in the following section, 15.8.1(5), where all one-plus-bedroom suites in residential buildings with a fuel-burning appliance or storage garage would need to have a carbon monoxide detector installed, depending on the location of the appliance or storage garage.

A second issue is that subsection 15.8.1(4) in the bill lacks important detail with respect to the location of the

fuel-burning appliance. In our opinion, it's unnecessary to differentiate in Bill 20 between the number of bedrooms in the suite, as it currently attempts, so long as it is clear that the detectors are to be installed adjacent to sleeping areas.

Our recommendation to improve the consistency of the bill's wording is to remove section 15.8.1(4) and amend section 15.8.1(5) so that there's no distinction between one-bedroom suites or suites with two or more bedrooms.

A couple of other quick things we want to draw your attention to—the first section of the bill, 15.8.1(1), the definition of terms. We see another issue here with the defined terms in the bill. For example, Bill 20 does not adequately identify—define—what a service room is. We recommend that section 15.8.1(1) include references to “appliance,” “service room” and “storage room” and that these terms are italicized throughout the section to ensure consistency of interpretation between the act and the building code, to make it clear throughout the subsection that they are defined terms.

Another thing we want to draw your attention to—just, again, more of a wording issue—is the section titled “Instructions for tenants,” which is 15.8.1(8). This is very similar to the requirement in the fire code that an owner provide a tenant with the operating instructions for smoke detectors and alarms in the rental unit. Despite the title of the sentence referencing tenants, the language used in the provision refers to occupants being provided with the maintenance instructions for carbon monoxide detectors. We recommend this section be amended to refer to the tenant within the provision as well, and not the occupant. The reason is that the lease agreement is between the tenant and the landlord. A landlord can ensure that a tenant receives a copy of maintenance instructions at the time lease documentation is executed. Landlords cannot be required to ensure that occupants are also provided with such information, as the landlord has no control over additional people that tenants permit to occupy a unit. “Occupants” may refer to people who are unauthorized to live in a unit or who are typically not known to the landlord in the first place. There is also a very clear legal distinction drawn between occupants and tenants in the Residential Tenancies Act, so we ask you to be mindful of that distinction in the context of Bill 20 and amend the wording of section 15.8.1(8) to refer only to tenants.

In closing, again, we commend the proponents of this bill for their efforts in addressing what is a very, very important safety issue in Ontario. Landlords take their obligations to ensure the health and safety in their buildings very seriously.

To ensure practical effectiveness and clarity and avoid unnecessary expense to the cost of housing, Bill 20 should be drafted in language that is more consistent with the existing building code provisions. This includes the structure of some of the subsections and definitions that we noted above, especially removing the distinction between one-bedroom and one-bedroom-plus suites, to

ensure the installation requirement is dependent on the location of the fuel-burning appliance, service room or storage garage.

Thank you very much, and we're happy to take any questions.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. We'll now move to questioning, and I think we have about four minutes per party. We'll start with the NDP.

Ms. Cheri DiNovo: Thank you very much for your submission. There are some very valuable suggestions that we wouldn't have thought of and that we haven't heard yet, so thank you for that. We'll look at them seriously.

I just want to say that a long, long time ago, when my husband and I and our children were little, we rented a house in Toronto and didn't know about carbon monoxide, didn't know about carbon monoxide detectors. Because our landlord had the foresight to put in a carbon monoxide detector and it went off and the fire department came, our lives were saved. That was due to the landlord, because we certainly would never have known about it or done it ourselves. So I just highlight that, that certainly the good landlords out there are saving lives.

Thank you for your amendments. We'll look at them seriously. Again, thanks for your submission.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much. Government? Ms. Damerla.

Ms. Dipika Damerla: Hi, Vince. Good to see you again. Thank you for that presentation.

I'm just curious about one thing: Would you have any idea what percentage of rental buildings that were built before August 2001 of their own accord voluntarily have carbon monoxide detectors?

Mr. Vince Brescia: There are a number of municipalities that have bylaws now. We don't have a tally of how many. For example, Toronto has a bylaw on carbon monoxide detectors, so, by law, all of the units covered under the bylaw in Toronto should have them. There's a number of other municipalities that have them, but we don't know how many, and we can't give you a number on percentage of units in the province covered. There's a large chunk of rental units of the province in the city of Toronto itself, though, so there's already a significant—

Ms. Dipika Damerla: But would it be fair to say that you've already done a lot of the retrofitting because of the municipal bylaws?

Mr. Steve Weinrieb: I represent a landlord that has 65 buildings, from Tillsonburg to around the corner here, and we have done this. We've put them above and below the fuel-burning appliances, and we've been maintaining them.

Ms. Dipika Damerla: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Ms. MacCharles?

Ms. Tracy MacCharles: I also want to echo MPP DiNovo's comments. Thank you for these very important issues that you've brought to our attention. Language is

so important in legislation, especially harmonizing it with other applicable legislation.

I'm just curious, based on some of the presentations earlier, if you have any strong feelings one way or other if this is enforced under the building code or the fire code.

Mr. Steve Weinrieb: I think it's better—I would listen to the firefighters.

Ms. Tracy MacCharles: Or if you don't—

Mr. Steve Weinrieb: I believe it's better under the fire code.

But I also would like to say, and I was listening, that everything's always towards the landlord. Sometimes the landlord is not the person who has dismantled the smoke alarm or the carbon monoxide alarm. You can imagine, with 10,000 units, what we see. We go and we put in a smoke alarm; a month later, it's gone or it's unhooked. It's somewhere in the legislation—and it is in the fire code—where a resident can be charged, too, so it has to be consistent. We'll put them in, we'll check them every year, we'll ask the residents to tell us if it's broken, and we'll have spare ones in our office, in our buildings. But sometimes it's the resident who unhooks it because they don't want it, and it's sometimes not fair to come back to the landlord and say, "You're totally responsible."

1520

Ms. Tracy MacCharles: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Ms. Mangat? I thought I saw another hand over there. I didn't?

Mr. Kevin Daniel Flynn: You did. I wasn't sure we're going to have any time, though. Do we?

The Vice-Chair (Mr. Ted Chudleigh): For you, Kevin.

Mr. Kevin Daniel Flynn: You're a nice man, Ted. I always said that about you.

Just from a practical perspective, so that all of us know, a typical apartment building's got underground parking. It's got a service room—the heating unit is in the service room—and then it's got a number of floors above it. What is the typical bylaw today, now? You would put a CO detector in the furnace room and then you would put one on the first floor, on the second floor—

Mr. Vince Brescia: That's right. The city of Toronto bylaw requires it on any units on the floor above.

Mr. Steve Weinrieb: Let me give you an example. A building around the corner—okay?—which actually has an underground garage, has a laundry room on the first floor with gas dryers. It has a boiler room on the top floor, and the top floor is by itself. So then the carbon monoxide alarms would go on the two floors below the boiler room, the top two floors and on the first and second floors of the building.

Mr. Kevin Daniel Flynn: And that would be in each suite?

Mr. Steve Weinrieb: Each suite, outside the bedroom area.

Mr. Kevin Daniel Flynn: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Mr. Hardeman, yes?

Mr. Ernie Hardeman: Thank you very much for your presentation. We very much appreciate the assistance. First of all, I want to start off by saying: No, there was no intention of designating a two-bedroom suite differently than a one-bedroom suite. I think I want to put some of that blame on your organization—as we discussed the policy before, we did agree to make some changes, but obviously the legislative branch didn't go far enough to actually implement those changes all the way through the bill.

So there never was any intention of having differences, and I think it was for the committee's purposes—the reason we made the changes is because, as was presented to us, it's important that we put them where they're needed. But if there is nothing there that could generate carbon monoxide, then there's not much sense in having the expense of putting them in every unit on every floor all the way up, if there's only flame on the first floor.

We did change that, and obviously we missed a couple—I can assure you that we will be amicable to having amendments and we will be putting forward amendments to change those.

I wanted to go back a little bit to the enforcement part of it and the monitoring, because in rental units, obviously, that's where we have the greatest challenge, after they're put in, to make sure that on an ongoing basis they're operable, and no one will know whether they are until it's too late. Whether it's the building code or whether it's—the choice is the Building Code Act or the fire prevention act. You said you would have it with the fire service and—

Mr. Steve Weinrieb: Because the fire code states that the landlord, on an annual basis, has to check every single device of the fire alarm system. In almost every apartment building we manage, we have an in-suite audible device, a horn or a speaker. So we go in every single year and we check that the speaker functions and that you can hear it, and while we're there, we check the smoke alarm, the door closers and everything else. So the fire code already mandates us going in.

Mr. Vince Brescia: Can I make a supplementary comment? I hope you can help us with one problem we're already having with fire alarms. The bulk of the units that are going to be covered by your bill are going to end up with a battery-operated unit, and the tenants frequently take the batteries out of these units to power their remote control devices. We find that in joint liability situations, we still have judges making us responsible for tenants taking their batteries out of their units, and we find that unfair. You have the help of legislative drafters—I know these issues can be challenging, but we're happy to monitor them on a regular basis and do that, and put the batteries in, but we don't think we should be liable when tenants are informed how to behave properly and remove the batteries anyway. So if you can address that by putting some onus and liability and responsibility

on tenants in the legislation, just to be fair, we would greatly appreciate that.

Mr. Ernie Hardeman: I'm not sure we can do that, but—what do they say?—we'll take that under advisement.

I have one other question on the occupants and tenants. My understanding is that it has to do with the building being a condo as opposed to rental and that the occupant may not be a tenant. Because they are the occupant, they own the building they're in, but the rules for carbon monoxide detectors are similar regardless of whether it's a condo building or a rental building. I understand that there was a reason to have the two titles, but we'll check into that to make sure that it's required, because your explanation does make a lot of sense.

Mr. Steve Weinrieb: But in a condo building, the owner owns the condo, right? And, actually, if he leases it out, it's a resident now who's the resident of that owner. It gets complicated. The word "occupant" is somebody else in a rental unit that we don't know about—

Mr. Ernie Hardeman: Yeah. I guess the reason I mention that is because in a condo building, the person living in the condo is not necessarily the tenant of the condo operators who are running the building, because it's owned by someone else. They're occupants. We'll check into that and make sure, but that's my understanding as to why the word is used differently as "occupant."

Mr. Vince Brescia: Sometimes these things can be addressed by having specific wording to address both of those situations: one wording for condos—

Mr. Ernie Hardeman: Thank you very much. We appreciate the presentation.

Mr. Vince Brescia: Thank you.

The Vice-Chair (Mr. Ted Chudleigh): Thank you all very much for coming in. It's good to see you again, Mike.

KINGSTON FIRE AND RESCUE

The Vice-Chair (Mr. Ted Chudleigh): We now have Kingston Fire and Rescue making a presentation: Mr. Robert Kidd. Welcome, Mr. Kidd.

Mr. Robert Kidd: Thank you.

Mr. Ted Chudleigh: You have 20 minutes to make your presentation and to take questions, if you would. Would you please identify yourself for the purposes of Hansard.

Mr. Robert Kidd: I'm Robert Kidd. I'm the assistant chief and director of fire prevention with Kingston Fire and Rescue.

Good afternoon, everyone, and thank you for permitting me to address this important public safety issue. I would also like to thank the speakers before me for having so clearly expressed their views.

I made the drive from Kingston today because I support the principle of this legislation, which, when enacted, will result in a major step forward towards re-

ducing deaths in Ontario from carbon monoxide poisoning. I'm especially grateful for the work of Messrs. Hardeman and Gignac, who have been steadfast in their efforts to advance this issue through the Legislature and through public awareness.

I'm speaking today on behalf of Kingston Fire and Rescue and as a long-term practitioner and observer of life safety issues. I have three areas to address today in support of this bill.

One is to put on record the names of several Kingston residents and the circumstances which led to their deaths by carbon monoxide poisoning. I believe that their stories will lend some credence to the intent of this bill.

The second is to reiterate and support the view of the Ontario Association of Fire Chiefs, already expressed to this committee, describing the most effective way to enact this legislation.

The third is to provide a personal perspective on how past life-safety legislation in this province has occasionally fallen off the rails and why I believe it's important that this legislation move forward now.

I've been a firefighter for over 33 years, and I have seen more needless deaths than I would ever care to tally. Twenty-seven of those years have been focused on fire prevention and public education, and during this period I have attended more than a dozen deaths or serious injuries resulting from carbon monoxide poisoning.

One of those stories is that on March 22, 2004, Bob Nicholas of Kingston was enjoying his evening with his wife, Barbara. They were a careful family, with a properly maintained furnace; a clean, solid-fuel-burning appliance system; and working smoke alarms. As a rural resident who had experienced the severe ice storm of 1998, Mr. Nicholas had also purchased a large emergency generator, which he tested every few months and carefully logged in a dedicated notebook. That evening, Mr. Nicholas forgot that he had started the generator in his attached garage for testing, and he went to bed. He was found dead the next morning. Barbara, his wife, was found unconscious, and died later that day. Three family dogs perished as well. In spite of a demonstrated intention of living safely, they were unaware of the benefits of carbon monoxide detection, and it cost them their lives.

1530

Four years later, on November 23, 2008, we responded to the home of 80-year-old Adrian VanRavenstein. Mr. VanRavenstein shared his home with his adult son Michael. It was a modest 60-year-old home, in clean but less-than-perfect condition. The smoke alarms were missing their batteries and the chimney cap for the old gas boiler was missing, which allowed the creation of a large bird's nest one metre from the top of the chimney. The nest blocked the flue, leading to spillage of combustion gases from the boiler into the house and resulted in the death of Adrian and Michael from carbon monoxide poisoning.

Now, these two tragedies illustrate two different challenges to seeing carbon monoxide alarms installed in all

dwelling units. The Nicholas family may have installed an alarm if they had been adequately apprised of the need of it through public education and information. In the days immediately following their deaths, local hardware stores said they couldn't keep carbon monoxide detectors on their shelves. The VanRavensteins may not have been sufficiently motivated by public awareness to install a smoke alarm but may have done so had there been a law compelling them to do so.

A footnote to this tragedy is that the Right Reverend George Bruce, at the time Anglican Bishop of Ontario, was residing in Kingston. He read about these deaths and was prompted to immediately purchase carbon monoxide alarms for his home. The following day, after the purchase, the detectors began sounding while still on the kitchen counter awaiting installation. We responded and found that residual carbon monoxide levels in the ventilated home were almost 200 parts per million, and subsequent investigation revealed a cracked furnace heat exchanger. That's an anecdote.

Like smoke alarms, there are segments of our population who will voluntarily purchase and maintain life-saving devices and those who, instead, will only do so in order to be in compliance with the law. Life safety is truly a matter of social choice, and one of the ways a government may influence social change is through proper regulation.

The bill before this committee may help achieve that goal. However, a regulation on its own merits will not affect public behaviour without substantial leadership and public awareness behind it.

Following each of these tragedies, my telephone, and those of all seven of the fire prevention officers in our bureau, rang constantly. Most calls were from homeowners, but some were also from local and national media as well as landlords. Callers were asking their fire service what they should do to protect their families from carbon monoxide poisoning.

Our staff frequently conduct open houses and do safety talks and displays where one of the most prominent discussion areas is carbon monoxide safety. This is because the public considers their fire service to be an authoritative source for guidance in this area and the fire service is where the public will look for leadership if we are going to achieve acceptance and compliance with the installation of carbon monoxide alarms in existing dwellings.

For this reason, I suggest to this committee that an amendment to the Fire Protection and Prevention Act to enable the necessary changes to the fire code will be the most effective way to achieve the goal of this legislation. Such an amendment will broaden the application beyond the narrow scope of fire protection as currently defined therein, but will provide a logical extension of the relationship between the building and fire codes which will mirror the existing requirements for the installation and maintenance of smoke alarms in new and existing buildings. This will become the basis for public education and acceptance.

Rather than dwell any further on this aspect of my recommendation, I will defer to the position already conveyed by the Ontario Association of Fire Chiefs with respect to amending the fire code, and some others who have spoken.

My final point is to provide perspective on the importance of this legislation proceeding to enactment as soon as possible. To make my point, I'd like to share the history and lessons of smoke alarm legislation in Ontario.

We know that smoke alarm installation for new construction was required in the first Ontario building code regulation in December 1975. I was in grade 11. The Ontario fire code was first circulated in draft via the Ontario Gazette in 1979, and section 9.5 of that draft described a proposal for particle of combustion detectors, or POCs, as they were called then, to be installed retroactively in all dwelling units. That was 1979. Following consultation, the requirement was not included when the fire code became law in 1981. In 1987, as a fire prevention officer, I prepared a resolution for the fire code to be amended to require smoke alarms in all dwelling units. The fire chiefs concurred and petitioned the change, yet the fire code was only amended in 1997, a full decade after the resolution, and 18 years after the concept appeared in draft regulation.

I personally am a very poor prognosticator of safety legislation. In December 1994, I was quoted in a local newspaper as saying it was my belief that carbon monoxide alarms would soon be as common as smoke alarms.

It's been more than three years now since Mr. Hardeman introduced Bill 143, the predecessor to this bill. I share a frustration, with Mr. Gignac and some others, that the principal proponents of this bill may be feeling.

As a person who has seen the victims and survivors of carbon monoxide poisoning, as well as one who has met those who have been adequately alerted to carbon monoxide in their homes, I encourage you to continue your good work today and advance this bill. I hope that you will consider the specific recommendations that you've had today from myself and from others.

Finally, I pledge my personal assistance if there's any way that I can help move this forward. Thank you, Mr. Chair.

The Vice-Chair (Mr. Ted Chudleigh): Thank you very much.

Questions, government members?

Ms. Tracy MacCharles: Nothing.

The Vice-Chair (Mr. Ted Chudleigh): Mr. Hardeman?

Mr. Ernie Hardeman: Thank you very much for making the presentation today. It seems that you may be, of all the presenters, in fact—I respect everyone in this room. You've been at this longer than any of us, is what it appears, with your years with the fire service and being involved in safety.

I just wanted to say that Rev. George Bruce actually did write me the first time I introduced this legislation, explaining his situation, that it just was by accident that it went off. It was similar to the one I mentioned earlier

about the folks who had one laying in their basement and it went off, and when they got home they found they had it in their basement and had not known it. They might have had it for quite a while because, obviously, they didn't use the basement. I think that's a very important part.

I also want to thank you for pointing out the real part of it, where people actually see these things happen, and when so little could have been done to save their lives, that we didn't get around to doing it.

I really want to say thank you for what you've done. Let's keep the pressure on. If we get fortunate enough to have this one passed into law, there would be other issues that you can work on to save more lives and to help the people of the Kingston area. Thank you again for making your presentation.

Do you have anything you would like to add?

Mrs. Jane McKenna: I thank you so much for coming to us today from Kingston. I'm new. I hope this does go through, because I'm a bit dumbfounded that it hasn't. I hear your passion and your frustration. Again, thank you so much for coming today.

The Vice-Chair (Mr. Ted Chudleigh): Ms. DiNovo?

Ms. Cheri DiNovo: I want to echo the thanks, from the New Democratic Party. It's a long drive, so thank you for making it.

I can't imagine what it's like to go to the homes where people have died—in many instances, as has been pointed out over and over again, unnecessarily.

I just wanted to shed a little light on what has happened to Mr. Hardeman's—I was here the first time he introduced the bill. It was passed in the House unanimously. The problem was, at that point we had a majority government that killed it at committee, quite frankly. It just never got to committee. Now, with the minority government, we have a chance—we have a chance. The hope is that this time we'll get it there. Certainly we, in the New Democratic Party, are pledged to that end, as is the official opposition. So with any luck, we're there. Thank you.

The Vice-Chair (Mr. Ted Chudleigh): This bill could be the ticket to the support for the budget, I'm sure. Well, maybe not.

Anyway, thank you very much for coming. We do appreciate your efforts and your trip from Kingston, which we've all made. We appreciate that very much.

Mr. Robert Kidd: It's always a pleasure.

The Vice-Chair (Mr. Ted Chudleigh): We now have one other item of business. We have to determine the date for the clause-by-clause determination of this. I hear by some comments that there are going to be perhaps some amendments. If that's true, the date of April 3 would be difficult. When we're considering when we're going to have the clause-by-clause, we should also comment on whether or not a filing date would be appropriate as well.

Mr. Hardeman?

Mr. Ernie Hardeman: Mr. Chairman, it's quite obvious from the presentation we received today that

there's great support for the legislation, but there are some opportunities to amend it to make it even better than what it is today. On my behalf, as the mover of the bill, I would propose to be able to bring forward some amendments to deal with our presentations today, the next time the committee meets. As the Chair said, that would be very difficult to do by tomorrow. The first opportunity would be two weeks from today for the committee to meet for the clause-by-clause. If we put in a time, we'll say on the Thursday of the week prior, for anyone else who has amendments that we're not putting forward, that they could be put forward too, so we can actually deal with the final part of the bill on that day.

The Vice-Chair (Mr. Ted Chudleigh): I hear Monday, April 16, the first day back from constit. week, as being the clause-by-clause, and that the filing date would be the Thursday prior to that, which would be the 12th. I think it's traditional that it be at 5 p.m.

Comments, Mr. Flynn?

Mr. Kevin Daniel Flynn: We'd be agreeable to April 16, assuming that the clause-by-clause should be able to be done in one day.

Mr. Ernie Hardeman: I have every reason to believe it does—

Mr. Kevin Daniel Flynn: If that's the intent, we think that's reasonable.

Mr. Ernie Hardeman: I think we could all read the entire bill singularly and still be through in less than one day.

The Vice-Chair (Mr. Ted Chudleigh): I'll be in the chair. It will be less than a day.

Mr. Kevin Daniel Flynn: I have utmost faith in you, sir.

The Vice-Chair (Mr. Ted Chudleigh): Any comments?

Ms. Cheri DiNovo: No, we're fine with it as well.

The Vice-Chair (Mr. Ted Chudleigh): You're fine with that?

Ms. Cheri DiNovo: Yes.

The Vice-Chair (Mr. Ted Chudleigh): No other comments? I would then adjourn the committee, and we'll see you on April 16.

The committee adjourned at 1541.

CONTENTS

Monday 2 April 2012

Hawkins Gignac Act (Carbon Monoxide Detectors), 2012, Bill 20, Mr. Hardeman / Loi Hawkins Gignac de 2012 (détecteurs de monoxyde de carbone), projet de loi 20,	
M. Hardeman	SP-5
Ontario Association of Fire Chiefs.....	SP-5
Mr. Jim Jessop	
Hawkins-Gignac Foundation for CO Education	SP-8
Mr. John Gignac	
Safe Kids Canada	SP-11
Ms. Amy Wanounou	
Ontario Professional Fire Fighters Association.....	SP-13
Mr. Fred LeBlanc	
Mr. Barry Quinn	
Federation of Rental-housing Providers of Ontario	SP-16
Mr. Vince Brescia	
Mr. Mike Chopowick	
Mr. Steve Weinrieb	
Kingston Fire and Rescue	SP-19
Mr. Robert Kidd	

STANDING COMMITTEE ON SOCIAL POLICY

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Legislative Research Service

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S-78



SP-4

SP-4

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Monday 16 April 2012

Journal des débats (Hansard)

Lundi 16 avril 2012

**Standing Committee on
Social Policy**

Hawkins Gignac Act (Carbon
Monoxide Detectors), 2012

**Comité permanent de
la politique sociale**

Loi Hawkins Gignac de 2012
(détecteurs de monoxyde
de carbone)

Chair: Ernie Hardeman
Clerk: Katch Koch

Président : Ernie Hardeman
Greffier : Katch Koch

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 16 April 2012

Lundi 16 avril 2012

*The committee met at 1410 in committee room 1.***The Clerk of the Committee (Mr. Katch Koch):**

Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Mr. Ernie Hardeman: I move that Sylvia Jones be Acting Chair for this meeting.

The Clerk of the Committee (Mr. Katch Koch):

Are there further nominations? There being no further nominations, I declare Ms. Jones elected as Acting Chair of the committee.

The Acting Chair (Ms. Sylvia Jones): Fastest election I've ever gone through.

HAWKINS GIGNAC ACT (CARBON
MONOXIDE DETECTORS), 2012
LOI HAWKINS GIGNAC DE 2012
(DÉTECTEURS DE MONOXYDE
DE CARBONE)

Consideration of the following bill:

Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings / Projet de loi 20, Loi modifiant la Loi de 1992 sur le code du bâtiment pour exiger l'installation de détecteurs de monoxyde de carbone dans certains immeubles d'habitation.

The Acting Chair (Ms. Sylvia Jones): Okay, it is my pleasure to start the Standing Committee on Social Policy for Monday, April 16. We are here to discuss clause-by-clause consideration for Bill 20, An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in certain residential buildings.

Are there any comments, questions or amendments to any section of the bill, and if so, to which section?

Mr. Ernie Hardeman: I move that section 1 of the bill be struck out and the following substituted:

"(1) Part IV of the Fire Protection and Prevention Act, 1997 is amended by adding the following section:

"Carbon monoxide detectors

"12.1(1) In this section,

"“appliance,” “building,” “residential occupancy,” “service room” and “suite” have the same meaning as in the fire code”"

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman, I'm sorry to interrupt, but it is unfortunately my duty to inform—

The Clerk of the Committee (Mr. Katch Koch): He has to finish reading.

The Acting Chair (Ms. Sylvia Jones): The whole thing? Sorry.

Mr. Ernie Hardeman: My apologies for—

The Acting Chair (Ms. Sylvia Jones): I was trying to save you some time.

Mr. Ernie Hardeman: —““storage garage” has the same meaning as in the building code as defined in the Building Code Act, 1992....

“Application

“(2) This section applies to a building only if,

“(a) the building contains one or more suites designed for residential occupancy; and

“(b) a fuel-burning appliance is installed in the building or the building contains a storage garage.

“Installation and maintenance

“(3) The owner of a building shall ensure that carbon monoxide detectors are installed in the building in accordance with this section and are maintained in operating condition.

“Location

“(4) If a building contains only one suite designed for residential occupancy, a carbon monoxide detector shall be installed adjacent to each sleeping area in the suite.

“Same, more than one suite.

“(5) If a building contains more than one suite designed for residential occupancy, a carbon monoxide detector shall be installed,

“(a) adjacent to each sleeping area in a suite in the building if,

“(i) a fuel-burning appliance is installed in the suite,

“(ii) a fuel-burning appliance is installed in a service room that is adjacent to the suite, or

“(iii) a storage garage contained in the building is located adjacent to the suite; and

“(b) in the service room, if a fuel-burning appliance is installed in a service room that is not located in any of the suites.

“Installation requirements

“(6) A carbon monoxide detector required by this section shall,

“(a) be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide detector;

“(b) be wired so that its activation will activate all carbon monoxide detectors in the suite, if the detector is

located in a suite that is used for residential occupancy; and

“(c) conform to document number CAN/CSA-6.19 issued by the Canadian Standards Association and entitled “Residential Carbon Monoxide Alarming Devices,” as it is amended from time to time, and whatever other standards are prescribed.

“Pre-2001 buildings

“(7) In the case of a building that existed on August 6, 2001, or for which a permit was issued under the Building Code Act, 1992, on or before that day, a battery-operated carbon monoxide detector or a carbon monoxide detector that is plugged into an electrical circuit in the building is deemed to comply with clauses (6)(a) and (b).

“Instructions for tenants

“(8) If a building contains rental units, the landlord shall provide a copy of the maintenance instructions of the manufacturer of the carbon monoxide detector or a prescribed alternative to the tenant in each of the rental units.

“Disabling not permitted

“(9) No person shall intentionally disable a carbon monoxide detector required by this section so as to make it inoperable.

“Conflict

“(10) In the event of a conflict between this section and any other act, any regulation made under any act or any municipal bylaw, this section prevails.”

“1.1 Subsection 78(1) of the act is amended by adding the following clauses:

“(i.1) specifying standards for carbon monoxide detectors;

“(i.2) specifying alternatives for the purpose of subsection 12.1(8);”

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman, I unfortunately must communicate to you, as Chair, that the amendment proposes to amend a statute that we are currently not discussing with Bill 20, and therefore I must rule your motion out of order.

Mr. Ernie Hardeman: Madam Chair, I would ask for unanimous consent to leave it in order.

The Acting Chair (Ms. Sylvia Jones): Do we have unanimous consent?

Mr. Kevin Daniel Flynn: Just so we're clear, Madam Chair: We're changing the name of the bill. Is that right?

The Acting Chair (Ms. Sylvia Jones): Correct.

Mr. Ernie Hardeman: There will be another amendment coming forward for that, separate from the bill.

The Acting Chair (Ms. Sylvia Jones): Okay, covering that hurdle, do we have any comments, questions or amendments to any of the sections that Mr. Hardeman made reference to?

Ms. Dipika Damerla: I just had a clarification. On page 2, “location,” clause (4): Is it the assumption that if there is only one suite it will have a fuel-burning appliance? Because it doesn't mention that specifically.

Mr. Ernie Hardeman: What was the question? If it's—

Ms. Dipika Damerla: So under “location,” when I look at number (4), it says, “If a building contains only one suite designed for residential occupancy, a carbon monoxide detector shall be installed...,” but it doesn't say that it has to have a fuel-burning device—it doesn't clarify whether it needs to have one or not, so it seems different from (5), where you actually say, it's a residential unit but has—

Mr. Ernie Hardeman: I think in clause (4) that's to cover only single-family residences, where it must be located near the sleeping area.

Ms. Dipika Damerla: Must be located—

Mr. Ernie Hardeman: The carbon monoxide detector must be located in the sleeping area, so if you were asleep, you would know—it would go off.

Ms. Dipika Damerla: Even if there was no fuel-burning device in the suite?

Mr. Ernie Hardeman: If you look at number (5)—this is the one that deals with the letter that was mailed by the rental association—it's multiple suites, and then that could be different; there could be 100 suites. Then, where they have to be located is more predicated on where the heating appliance is in the building than where the residences are. But if it's a single unit—single residence, single suite—then it must be in the area of the sleeping area, the same as smoke detectors are.

Ms. Dipika Damerla: My question wasn't around the location of the detector but the prerequisite for putting in a detector, because it appears that for everything else, the prerequisite also is that there must be a fuel-burning device in that suite, but for number (4)—

The Acting Chair (Ms. Sylvia Jones): If I may, Ms. Damerla, I believe legislative counsel can enlighten us a bit.

Mr. Michael Wood: Michael Wood, legislative counsel. I think I can assist in this regard. The member should also look at subsection (2) of the new section 12.1; it says, “This section applies to a building only if” (a) and (b). So the test of (b) has to be met in order for the new section 12.1 to apply to a building, and that says that either you have a fuel-burning appliance installed in the building or the building contains a storage garage.

Ms. Dipika Damerla: Okay. I get that. I just didn't understand why in one—all right. It's covered off, but it seems—

Mr. Ernie Hardeman: My apologies. I should have looked at one sooner.

The Acting Chair (Ms. Sylvia Jones): Any other comments or questions? Are the members prepared to vote? All those in favour of the amendment, as presented by Mr. Hardeman?

Mr. Kevin Daniel Flynn: Okay, just so I'm clear: I think we're going to support everything you want to do, Ernie. Madam Chair, when are we changing the name of the bill?

Mr. Ernie Hardeman: Right after this. This is section 1—

Mr. Kevin Daniel Flynn: So we're going to do the amendments first and then change the name of the bill? And that's in order?

Mr. Ernie Hardeman: As I started reading the amendment, it was to section 1 of the bill. So this is all part of section 1. If section 1 passes, the next motion would be to rename the bill.

1420

The Acting Chair (Ms. Sylvia Jones): Are the members prepared to vote on the amendment? All those in favour? All those opposed? I deem the amendment carried.

Shall section 1, as amended, carry? Carried.

Are there any amendments on section 2? Shall section 2 carry? Carried.

Are there any amendments on section 3? Shall section 3 carry? Carried.

And, finally, the long title for Bill 20. Mr. Hardeman, I'm going to guess you have an amendment.

Mr. Ernie Hardeman: Madam Chair, I move that the long title of the bill be struck and the following substituted:

"An Act to amend the Fire Protection and Prevention Act, 1997 to require carbon monoxide detectors in certain residential buildings."

The Acting Chair (Ms. Sylvia Jones): Are there any comments, questions or amendments to this section? Mr. Flynn.

Mr. Kevin Daniel Flynn: I'd just like to commend the member for his tenacity in getting it to this point. It appears that you're going to get your way, finally, and I think that we should point that out—you've been after this a long time—and also congratulate the other members of the committee for the co-operative way in which we've dealt with this at committee when the amendments came forward. I think it's something that many people would like to see a lot more of around here. I just thought that needed to be said, Ernie, and congratulations.

The Acting Chair (Ms. Sylvia Jones): Mr. Hardeman.

Mr. Ernie Hardeman: I, too, want to thank all the members of the committee because though it seems very simple to ask for unanimous consent to change the bill, I would point out that, through the good graces of the committee, in fact this is now a totally different bill than what we had second reading on in the House because of the fact that it totally reverts to a different bill.

Having said that, I do want to point out that the intent of the bill, which, according to the rules of the House, the committee cannot change, is as accurate today as it was the first time I introduced it and put it through, which was to require carbon monoxide detectors in all residential buildings and to have a way to enforce it. The previous bill as it was, as was presented by the fire

department, was not going to allow enforcement, because the only time you can enforce the building code is when someone needs a building permit.

The end result here is, I think, exactly what I'd hoped to get, and I really appreciate the committee's tenacity in following it through and allowing us to get it this far with the title change; and legislative counsel, too, for a job well done. It was a little bit of a challenge to ask the staff to come in and say that I'd like to change the bill completely. It was only because I had been getting some indication from the other parties at the table that they would be willing to grant unanimous consent to do that that we were able to get it this far. Thank you, one and all, and now, if you don't want to change the name of the bill, we're going to have a bit of a problem.

The Acting Chair (Ms. Sylvia Jones): Ms. DiNovo, you had a comment.

Ms. Cheri DiNovo: I just want to congratulate Uncle Ernie as well. I just want to say that—I don't want to prejudge things—should this all pass as prescribed, and I'm hoping that it will, I would just ask the government members to please try to lobby within their own caucus to bring it back for third reading because, as we all know, the government holds that card, as they can call bills for third reading. To make my job easier at the House leaders, it would be great if you spoke to your other members and got behind this bill as well.

The Acting Chair (Ms. Sylvia Jones): Any further comments or questions? Mr. Hardeman.

Mr. Ernie Hardeman: I just had one more comment, and it is to the last comment from Ms. DiNovo, and that is to the extent that because we were able to get the committee to agree to make the changes that we've made, I think it does provide a greater opportunity for it to be called for third reading. If it had been called for third reading before, these changes would have had to have been made sometime between second and third reading without committee dealing with it. So the fact that the committee has taken it this far, I really appreciate it. Hopefully there will be an opportunity for the government to now give it speedy passage to third reading.

The Acting Chair (Ms. Sylvia Jones): Is the committee prepared to vote on the amendment? All those in favour? All those opposed? Carried.

Shall the title of the bill, as amended, carry? Carried.

Shall Bill 20, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Excellent.

It's been a pleasure being your Chair.

The committee adjourned at 1425.

CONTENTS

Monday 16 April 2012

Hawkins Gignac Act (Carbon Monoxide Detectors), 2012, Bill 20, Mr. Hardeman / Loi Hawkins Gignac de 2012 (détecteurs de monoxyde de carbone), projet de loi 20, M. Hardeman	SP-23
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Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation



Chair: Ernie Hardeman
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 7 May 2012

Lundi 7 mai 2012

The committee met at 1400 in committee room 1.

The Chair (Mr. Ernie Hardeman): Welcome to the May 7 Standing Committee on Social Policy. We're here today to deal with Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.

SUBCOMMITTEE REPORT

The Chair (Mr. Ernie Hardeman): The first item on the agenda, of course, is to deal with the subcommittee report.

Mr. Bob Delaney: Your subcommittee on committee business met on Thursday, May 3, 2012, to consider the method of proceeding on Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools, and recommends the following:

(1) That, as per the order of the House dated May 3, 2012, the committee hold public hearings on May 7, May 8, May 14 and May 15, 2012, in Toronto and on May 22, 2012, in Ottawa.

(2) That the clerk of the committee issue a press release and post information regarding the hearings on the Ontario parliamentary channel, the Legislative Assembly website, the Toronto Star, l'Express, the Ottawa Citizen, Le Droit, and Canada NewsWire.

(3) That interested people who wish to be considered to make an oral presentation on Bills 13 and 14 should contact the clerk of the committee as soon as possible.

(4) That the scheduling of the presenters be done on a first-come, first-served basis.

(5) That the length of presentations be 15 minutes for groups or individuals.

(6) That the deadline for written submissions be Tuesday, May 22, 2012, at 5 p.m.

(7) That the research officer provide the committee a summary of the Toronto hearings on Friday, May 18, 2012, and a summary of the Ottawa hearings on Wednesday, May 23, 2012.

(8) That, as per the order of the House, the deadline for filing amendments with the clerk of the committee on Bill 13 be 5 p.m. on Thursday, May 24, 2012.

(9) That, as per the order of the House, clause-by-clause consideration of Bill 13 be Monday, May 28 and Tuesday, May 29, 2012.

(10) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

This, Chair, is the report of your subcommittee.

The Chair (Mr. Ernie Hardeman): Thank you very much. You've heard the report. Any discussion on the report? If not, all those in favour? Opposed? The motion is carried.

That concludes the housekeeping business.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions;

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

INSTITUTE FOR CANADIAN VALUES

The Chair (Mr. Ernie Hardeman): We will now go, as the subcommittee report said, to hearing from the delegations before us. The first one is the Institute for Canadian Values: Charles McVety, president, Mendel Kaplan and Ekron Malcolm. If you want to come forward and take a seat at the end of the table. As you heard in the

previous subcommittee report, the presentations will be 15 minutes in duration. Whatever time you take for your presentation will be taken off the 15 minutes. If there's sufficient time at the end of the 15 minutes for questions from the committee members, we will entertain those questions. With that, if you could start off by introducing yourself at the mike and then those with you for Hansard, to make sure that they're in Hansard properly. Thank you very much for coming in.

Mr. Charles McVety: Thank you, Mr. Chair. My name is Charles McVety. I'm the president of the Institute for Canadian Values and Canada Christian College. Beside me is Rabbi Mendel Kaplan, who is the rabbi for Flamingo Chabad Synagogue, and to my far left is Rev. Ekron Malcolm, who is the director of the Institute for Canadian Values.

I want to thank you for allowing us to speak today. On behalf of the 55,000 members of Institute for Canadian Values, on behalf of the 20,000 people who have signed petitions—we have brought those petitions here for you to see; they're in these boxes, and I don't think we have time to unpack them—and on behalf of the tens of thousands of Canadians who have expressed their concern with this bill, I first want to commend the Legislature for coming forward with a bill to protect the vulnerable children who suffer as a result of bullying. Bullying is a scourge on our society today and it damages children. We commend you for coming forward with legislation, but at this time we would like to oppose certain clauses of the legislation and ask you to consider amending it.

With all legislation, it needs to be studied. What needs to be considered are the unintended outcomes, because, of course, the intended outcome is good here, that children will be protected. But the unintended outcome we see as threefold.

The first outcome is that this bill appears to focus primarily on one group of people, as if one group of children are special and then the others are not quite so special: the Orwellian thought that we are all equal but some of us are more equal than others. This of course leads many people to question the spirit of the document, when you come forward with a focus on one group of people that is not even mentioned in the Toronto District School Board survey of over 100,000 children when asked the causes for bullying. The number one, of course, was body shape. The second was grades. Third was racial background. Fourth was language. Fifth was gender, male or female. Sixth was religion. But this bill focuses on something not even mentioned in the survey. That begs the question: Are our children second-class? Is this setting up a tiered system in our society where some children are special and other children are not so special as to have this level of protection?

In fact, this Bill 13 embraces the teaching of a radical sex education program that has never been implemented in a pedagogical way anywhere on planet earth at any time. It has not been studied. It has not been tested. Are our children going to be subjected to this radical teaching, teaching such as six genders and teaching such

as anal sex and oral sex, at very young and inappropriate age levels?

This is the result of the clause that requires boards to “develop and implement an equity and inclusive education policy, and, if required by the minister, submit the policy to the minister and implement changes to the policy as directed by the minister.”

In my hand, and we have given you all a copy, is the Toronto District School Board's equity and inclusive policy program, which includes teachings such as children in grade 3 reading the book *Are You a Boy or a Girl?*, role playing, opposite gender role playing, teaching children to study the pride parade and even entertaining having their own pride parade in their own schools.

This type of teaching was already presented by the Ministry of Education back in April 2010, and there was resounding opposition to that sex education program. It was so strong, parents stood up so strongly, that the Premier withdrew the program after just two days of when it became public. But now it has come back, and it's coming in with the force of law under the guise of bullying.

1410

The other problem with this bill as we see it is that section 9 will force Catholic Christian schools to violate their own conscience and belief system. This program will require that all schools, including the Catholic schools, support activities and organizations that are antithetical to their very existence. Now, this is something that I believe is a violation of our Charter of Rights and Freedoms. I believe that our religious leaders should not be forced to entertain organizations that are antithetical to what they believe. I believe that we are guaranteed, under the first fundamental freedom, the freedom of conscience and religion, that we will not be forced by big government. But in this case, in this bill, big government is also going to, in sections 9 and 7, require that pastors that are renting school auditoriums for the purpose of having a worship service on Sunday will also have to abide by the minister's code of conduct. This is egregious. It violates basic charter rights. More importantly, history is littered with overreaching governments that come out with something that looks good but has unintended consequences.

This is why great leaders like John Locke championed liberalism: for the purpose of being free from government oppression, to pursue life and liberty. Locke once said the Bible is one of the greatest blessings bestowed by God upon the children of men. But the spirit of this bill appears to be anti-Bible. It appears to have an attack on those who hold Judeo-Christian principles. In fact, the other handout that we gave you shows you how the Premier launched this campaign. We're going to show you a one-minute video of Dan Savage, the Premier's partner, who—Dan Savage, two years ago, launched the *It Gets Better* project, and when the Premier launched Bill 13, he launched it by using an *It Gets Better* video, making his own Dan Savage video. Well, Dan Savage

has great disdain for the Bible. Speaking at a school in Seattle to high school students, he called the Bible “BS,” but he didn’t use the letters. He spoke with vulgar, profanity-laced language to attack the Bible. This is not the role of the government, to partner with such a man to launch such a project and then come out with such a bill that would marginalize the Bible and believers in our society.

I ask you the question: As members of this committee, have you ever taught your own children these principles? Have you taught them six genders? Have you taught them, when they’re eight years old, about role playing and about being an opposite gender, and reading a book, *Are You a Boy or a Girl?* I don’t see anyone saying yes, so I presume that you have not. By doing so, you are willing to do to our children what you’re not willing to do to your own.

My daughter is a precious little 14-year-old girl. I ask you, I beg of you, not to do this to my daughter and not to do this to my friends’ daughters or sons and not to do this to Ontario’s children. The Bible is a very important document in our society. It does not deserve to be attacked by our government.

Therefore, we ask you respectfully to amend Bill 13. Make it about bullying instead of about bullying people who believe the Bible. We’re going to show you this one-minute little clip of what we, as children of the Bible, have to put up with.

Video presentation.

Mr. Charles McVety: This is the type of leadership that this bill has partnered with. Rabbi Kaplan is a very outspoken opponent of, as Dan Savage has said, beating people up because of the Bible.

Rabbi Mendel Kaplan: I want to begin first by thanking God that I live in a country where I have the freedom to speak. It wasn’t always like that. Both of my paternal grandparents were savagely beaten to death by the communists for teaching the values that are 3,300 years old.

I was bullied in school, in three different schools. My son was bullied in school. I’ve counselled more than a dozen children and their families in the last 15 years who were bullied in schools in Ontario. It was never because of sexual orientation, and I don’t believe that that is the primary cause of bullying.

Anti-bullying legislation is a good thing. We should seek to protect the most vulnerable members of our society. We should not be thinly veiling a radical sex education program as anti-bullying.

We are told in our Torah, in our oral traditions, to be a disciple of only one sage, only one prophet. Only once are those words invoked in the MiSinai, and it says we should be—

Remarks in Hebrew.

We should be a disciple of Aaron, the high priest.

Remarks in Hebrew.

Freely translated: “Love peace, pursue peace and then seek to bring people into a life of spiritual meaning.”

Our sages have taught us that even if you never influence anybody insofar as a life of spiritual meaning is

concerned, if you reach out to others with love, if you pursue peace, that, in and of itself, is a worthy and meaningful endeavour. That is what this should be focused on. We should be teaching people that each and every human being is created in the image of God. We should be teaching people that each and every single human being deserves the rights and dignity to live as he or she pleases. We should not be forcing children into a radical sex education program which marginalizes and demonizes those who believe in the Bible.

I have been personally attacked in the last two years for my beliefs in the Bible. I have been labelled all sorts of things—

The Chair (Mr. Ernie Hardeman): Thank you very much. We have consumed the 15 minutes available, so we thank you very much for your presentation.

Mr. Charles McVety: We have one more speaker, but—you cannot entertain him?

The Chair (Mr. Ernie Hardeman): No. We have a room full of people that are all waiting for their 15 minutes, so we have to adhere very tightly to the schedule. We thank you very much for your presentation. If you have anything further you would like to present in writing, we’d be more than happy to receive it.

Mr. Charles McVety: Okay. Thank you very much.

1420

JUBILEE CENTRE FOR CHRISTIAN
SOCIAL ACTION

The Chair (Mr. Ernie Hardeman): The next presentation is the Jubilee Centre for Christian Social Action: Dominic Tse, president. As a presenter, we’ll have 15 minutes for your presentation, and if at the end of the presentation there is sufficient time, we will have questions, the time evenly split between the three parties, unless it’s of the size that it can’t be properly split; then we will start with one caucus and everybody will rotate on different presenters. Thank you very much for coming in, and the floor is yours.

Rev. Dominic Tse: Thank you. I just want to make sure that every member of the committee has a copy of my submission.

Ms. Lisa MacLeod: Are these available for everybody?

Rev. Dominic Tse: I have given Mr. Koch 25 copies.

The Chair (Mr. Ernie Hardeman): The clerk is passing them out.

Ms. Lisa MacLeod: Okay.

Rev. Dominic Tse: As the previous speaker mentioned, boldly, we want to have Bill 13 amended. So I did some homework. I combined Bill 13 and Bill 14 together under my little submission and I’ll try to pick different elements of Bill 14 and fit it into the framework of Bill 13 and modify some elements of Bill 13 which I see that can be improved and/or deleted.

My goal as a Canadian of Chinese descent is to present a good bill so that members of all communities will be free from bullying. Personally, I have kids who

have grown up from Ontario schools. I'm a pastor and I have experienced my son coming home a few times saying, "Being a pastor's kid, they call me names and they call me 'Jesus freak.'" He has lived with that name for a long time. He used to carry a little Bible, a small Bible, a Gideon Bible in his backpack, and he used to pray before meals, and he got called names. He would come home crying.

That's the kind of bullying that we do not want to happen. I can speak from my own personal experience as a Chinese Canadian that we have suffered all kinds of discrimination, and I really want all schools to be free from all kinds of bullying.

So I did my homework. I tried to look at the whole thing rationally and tried to propose some common-sense amendments to Bill 13 and Bill 14. I adopted section 1, the first section. I adopted the definitions of Bill 14 in place of those of Bill 13, which I think are more detailed and more elaborate. I think the terms in Bill 13 are a bit more subjective, such as "ought to know" or "would likely," so I prefer the definitions of bullying in Bill 14.

But I also like the second part of Bill 13 in terms of definitions because it spells out all the behaviour which occurs in different contexts, like power imbalances, and I think that's a distinct part of Bill 13 vis-à-vis Bill 14. I think this is a good part because in many cases bullying in Ontario schools happens according to these cases. I also include all the cyberbullying and everything.

Now, let's come down to page number 3, and that's the paragraph about the equity and inclusive education policy. It is used to replace the old ethnocultural and anti-racism policy in the Education Act of old. Here, the new one—my amendment, recommended, would be to "require boards to develop and implement an equity and inclusive education policy through consultation with all stakeholders in the school community and members of the community at large." I really wanted that in it because it's a policy that affects all members, all family members in a community. So a thorough consultation, I believe, is in place.

The reference to the minister, I recommend to be dropped, because if you have a very thorough consultation process, which involves all stakeholders from parents, community members, teachers, students, employees, trustees and board staff, I don't think we can not trust them. We should trust this process, and the reference to the minister's so-called veto powers should be dropped. The rest of them are basically important from different aspects.

The other reference that I want to make is on page 5.

"The act is amended by adding the following section," on 300.0.1, "The purposes of this part include the following:

"1. To create schools in Ontario that are safe, inclusive and accepting of all pupils.

"2. To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on sexual orientation."

The original word in Bill 13 was "homophobia." I think "homophobia" is problematic, because it's hard to define. It's also restrictive, because it basically treats with homosexual people. I want to propose to substitute "sexual orientation," because we know that "sexual orientation" is a broader term and it's more easily defined, rather than "homophobic," a more subjective-oriented term.

Another amendment that I propose is about the renting of school properties. On page 7 of my bill, so to speak, I said this section about requiring persons or entities to sign an agreement to follow standards that are consistent with the code of conduct is dropped for the following reasons:

Section 301(1) of the Education Act says: "The minister may establish a code of conduct governing the behaviour of all persons in schools." It falls under the section "discipline" in the Education Act, so it's about discipline in a school. It governs people—persons. That means everybody in the school. But when you rent a school building, the school is empty, so there's no person for the code of conduct to govern when you rent it to somebody else. I don't see the connection requiring a third party—for example, somebody wants just to rent the parking lot for a bake sale—to be involved with a code of conduct that governs persons in the school. Mind you, the school is empty at the time.

Also, this mandatory requirement would add unnecessary administrative burdens for board staff and also community or charitable organizations. It requires much more than just making them sign an agreement. For example, what about if a group violates the agreement? Would there be a penalty, terminations of the lease? Would there be an investigative process to find out if they actually violated? Would there be an appeal? Would there be lawsuits? That's opening a can of worms, administratively speaking. I think that's not a good policy. It overdoes it. The proper mandate of the bill governs the original conduct in the school, so I think that section is really unnecessary and, administratively speaking, it's a nightmare.

On the second part of page 7, again, it's similar words. I substitute "sexual orientation" instead of "homophobia."

Let's get to the main thing, the main paragraph. I don't have time to go through all the sections, but the main paragraph is about the gay-straight alliance, which is on page 13.

The following section is dropped, for it is unnecessary and highly problematic. The original paragraph reads: "The act is amended by adding the following section:

"Board support for certain pupil activities and organizations

"303.1 Every board shall support pupils who want to establish and lead,

"(a) activities or organizations that promote gender equity;

"(b) activities or organizations that promote anti-racism;

“(c) activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or

“(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.”

I find this paragraph highly problematic, for the following reasons: First of all, it's clear that only four kinds of activities are listed—four of them. But if you go back to the original paragraph 1 of Bill 13, it lists out more than 10. It lists out situations of bullying that include size, strength, age, intelligence, peer group power, economic/social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education. To be fair, to be a good law—I don't understand why all the other groups are neglected and why we're retaining only four. To be fair and comprehensive, all of these issues should be addressed adequately, at least with a line or subsections for each factor.

Some of these factors, I'll admit, are quite serious. For example, as you heard, members, size is a major factor in bullying, and religion is also a major factor in bullying. Somehow, they are strangely missing in this part.

The other one: Among the four subsections, only the one concerning sexual orientation has a special activity attached to it. This is highly unbalanced. What about the other ones? If you want to really address bullying for all people, you've got to have all of them, and you should attach a specific activity for all of them. I understand that gay-straight alliances, to some people, are a very highly effective way to counter homophobia, but what about other groups to counter racism? They should be mentioned, as well. So this is highly unbalanced.

1430

Also, the section begins with the phrase, “Every board shall support pupils who want to establish and lead,” and so on. I dug out the meaning of the word “board” in the Education Act, and it says “‘board’ means a district school board or a school authority.” And “‘district school board’ means an English-language public board or English-language separate board and their French counterparts. It means they include the Catholic boards. Also, “school authority” includes all sorts of boards, and it specifically mentions Protestant separate boards. So it seems clear that “every board” does really mean every board.

I wonder if this will open the Ministry of Education towards constitutional challenges based on religious rights. The Catholic schools were granted religious rights to teach Catholic doctrine. Some of them are quite strongly against gay-straight alliances—not because of the groups, but because of the values embedded in the gay-straight alliances. That may open a kind of constitutional challenge.

What about home schools? It's not clear. I'm not a legal, constitutional expert, but if home schools are also

governed by this “board” here, then it may open for unnecessary challenges towards the Ministry of Education by parents—voting parental rights. That's not necessary.

Finally, the first statement that “Every board shall support pupils”—and I've talked to a number of teachers. I asked, “If someone wants to have a club, how does it work?” A teacher friend said, “If someone wants to have a club, he or she will go to the teacher or go to the vice-principal or so on, and they talk about it. If everything is okay, they can have whatever club they want.” But this one starts from the board and supports the pupils. What about all these chains of authority in between: teachers, principals and parents? This is highly unusual for any school activities.

I believe if any parent, any student wants to have any activities, just go through the normal process. If they want to have a gay-straight alliance, go to the principal. If the principal says it's okay, have a gay-straight alliance. That's not a problem. My problem with this is, it starts from the board—should support the pupils. It just bypasses all the professional people in between: teachers, counsellors and principals. And it especially bypasses the involvement of parents.

These are major problems. Therefore, my recommendation is, either you do a group with a name for all the factors mentioned, or just simply drop this paragraph and let whoever wants to have any group go through the normal process.

We have been accused or misunderstood as we're against gay-straight alliances. I'm not against gay-straight alliances. I just want to leave that decision to the local authorities, to the students, to the principals, so that they can have their groups.

That concludes my little combination of my bill, and I hope that will save you some work if you want to use it as a basis.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Again, the time is consumed. We very much appreciate your involvement.

CONCERNED CATHOLIC PARENTS OF ONTARIO

The Chair (Mr. Ernie Hardeman): The next delegation is Concerned Catholic Parents of Ontario: Kim Galvao, director. Welcome. Thank you very much for being here. As with the others, you have 15 minutes to make your presentation. If there's time left at the end, we'll have questions. I would just point out that if you're going near the end—if I go like that, you don't have to stop; there's one minute left.

Mrs. Kim Galvao: Dear distinguished members of the provincial Parliament, I would like to start by thanking each one of you for your commitment to serve the public. I know that the families of elected representatives make a great sacrifice by significant time away from home that is required by your job.

My name is Kim Galvao. I am a stay-at-home mom. I have three children in elementary school, ages 12, 10 and

eight. I'm a very devoted, traditional Catholic who is faithful to the teachings of my church. I am raising my children to be good Catholics, and hope that they will absorb their faith and use it to contribute to society to make it a better place to live.

Each day, through example, I try to show how one should be respectful to others, and I have taught my children that it is wrong to bully. I have talked with my oldest son about Bill 13, and he told me, "Bill 13 will not stop bullying. Every child knows that bullying is wrong. How we treat others, Mummy, is learned from home." He is right. We need to teach our children how to love, be kind, respectful. This is not self-taught but a work in progress that takes many years.

As each of my children grow, I will gently correct and use teachable moments. I have found that my sincerely held religious beliefs do more to ensure that my children will treat others with respect than any government policy could accomplish.

I have never been involved in politics before, until I learned about Bill 13 and the controversial equity policy which will be codified into law by Bill 13. I am a stay-at-home mom, and I have studied the evidence and firmly believe that there is an agenda embedded within Bill 13. Despite my great discomfort in getting involved in politics, even being here today before you, as a mother I need to stand up and oppose this bill.

I started a parental organization out of the Waterloo region called Concerned Catholic Parents of Ontario. On behalf of many concerned Catholic parents and citizens from other faith traditions whom I have met over the past few months, I am here to share with you my grave concerns with Dalton McGuinty's Bill 13.

With this proposed legislation, we believe that the state is increasingly trespassing on parental rights and pushing programs in our school which undermine the religious and moral values that parents instill in their kids at home.

Dalton McGuinty's Bill 13 purports to be about punishing bullies and reducing bullying in school, and we completely agree with those apparent goals. The most common reason kids are bullied is because of their physical appearance; for example, being too fat, too skinny or wearing glasses. Contrary to what some are claiming, sexual orientation does not rank high on the list of reasons of why kids are bullied. Kids are bullied for many other reasons. Bullying is always wrong, including for reasons of same-sex attraction. We want the government to protect all our children and stop pushing an agenda that smacks of social engineering.

Bill 13 has been criticized by parents, religious leaders and family values groups across Ontario over the controversial sex ed component of the proposed legislation. It is in the preamble of the bill and strewn throughout the government's equity and inclusive education policy which is being codified into law.

As a mom of three children in elementary school, I am very alarmed to see a sexual agenda being imposed on our schools through Dalton McGuinty's Bill 13. As a

mom, I do not want my young children taught there are six genders. The equity policy being codified into law under part II of Bill 13 will make the disputed LGBTTIQ gender theory a part of school curriculum—see excerpts from pages 90 and 91 of the government's equity and inclusive education strategy document.

As a mom, I do not want my children taught the disputed theory that a person's gender is not connected to their physical anatomy—see excerpt from page 89 from the guidelines of implementation.

As a Catholic, I strongly object that our religious schools are being forced to permit GSA clubs that contradict the Christian mission of the church. GSAs are not permitted in the Catholic school system because they are known to conduct activism which is contrary to Catholic teaching. GSAs and the term "gay" or "lesbian" bring along with them a socio-political agenda that is contrary to Catholic teaching and which tends to affirm the gay lifestyle as morally acceptable. And for the Catholic laity, we believe that the Catholic bishops are the final authority in matters of faith and morals, and not the state.

1440

We do not understand why the education minister has said that only GSA groups will be allowed. What is wrong with the Respecting Difference document? What part of the document does the government not like? The document is very respectful and gives dignity to all students who are bullied.

I see the government interference as a sign of violating parental rights and attacking the freedom of religion. In fact, I would say that this government, the media and the big unions are bullying little parents like me. The "big three" have tried to take away my human dignity by using disparaging names, and have been hostile and negative towards faith-based parents in the media. If this committee truly cares about inclusivity and diversity, then you must respect the values of traditionally principled families. You cannot value diversity if your intent is to eradicate, undermine or disrespect our values. Diversity is a sham if you only accept one certain set of values but suppress others.

This government and this committee must respect the right of parents to teach their children about human sexuality according to their faith convictions, without being undermined by the state. The bottom line is that Bill 13, and the equity and inclusive education strategy that undergrids it, provides too much inappropriate, sexually focused information. Our children do not need more sex education; they need less. This type of education does not benefit the child but rather hurts the child by causing confusion, worry, and pitting the school against the parents.

We as parents are called to be wise, prudent and vigilant. We are called to protect our children when we sense danger. When we see disputed gender theories being pushed on our kids in the very earliest grades, we rightfully worry that it may cause psychosexual confusion and gender identity confusion. This is wrong. I re-

spectfully ask you to remove the offensive clauses from Bill 13; namely, the GSA requirements, the equity policy requirement, the clause that takes away the power from the local trustees and gives it to the education minister. The clause of expulsion for any student bullying is seen as too harsh.

We respectfully ask that you set aside Bill 13 and use Bill 14 instead. Bill 14 does not have a hidden sexual agenda.

I would like to close with my son's words to me: "Go and speak. Protect my rights as a child and my innocence. I hold you accountable because you are my mother and it is your job to protect me." Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about four minutes left. Does somebody want to start it?

Ms. Lisa MacLeod: Thanks very much. We have no questions. We appreciate you showing up.

The Chair (Mr. Ernie Hardeman): Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: Thank you very much for coming here today and making a presentation. Do you think that we do have a problem with homophobia in the schools?

Mrs. Kim Galvao: What is your term of homophobia?

Mr. Peter Tabuns: An irrational dislike or hatred of people who are gay.

Mrs. Kim Galvao: I think there might be a small minority, but I think ordinary parents like myself—as my son said, we just see other kids. We're not looking to distinguish. We just want to accept other children for who they are. We're not looking to put a label on them.

Mr. Peter Tabuns: And in fact, I take that as an admirable approach, but I hear from children, teenagers in my riding, commonly the use of disparaging remarks about people who may not be gay but, if male, are not particularly macho, or females who are tomboys. That sort of negative language goes around and—

Mrs. Kim Galvao: And that should be dealt with appropriately; that has to be talked about. I think the important thing is that we need to teach children to see the dignity of each person and then not to judge a child by what they look like or their characteristics.

Mr. Peter Tabuns: Yeah, and I would argue similarly. I would say that there is an ongoing stream of language and terms that I would call homophobia, denigrating a child's sexual orientation or even just the fact that they don't fit the common stereotype of what male or female is, even if their gender orientation would be the majority orientation.

Mrs. Kim Galvao: Once again, I think we need to look at the dignity and focus on the dignity of the person, of the child. We need to stop just looking at just homophobia and look at the other reasons that children are bullied, not just for that reason. We have to have a group that accommodates all people. If we have four groups, myself personally, I think that's going to breed segregation and not integration.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation—and the questions. We'll start the next round, when there's an opportunity, with the government side.

For those who are in the audience and standing and who are going to get tired standing, we have room 151 set up so you can go there and sit. It will be televised there so that you can see everything that's happening as though you were here in the room. It is just down the hall, around the corner.

MARKHAM CHINESE PARENT FELLOWSHIP

The Chair (Mr. Ernie Hardeman): The next presentation is the Markham Chinese Parent Fellowship: Billy Pang, Allan Tam and Anita Fung. Good afternoon. As you start, if you would just—the 15 minutes is available, the same as with the other presentations; I believe you were in the room. When I go like that, there's one minute left. Having said that, before you start the presentation, if you could just give the names of the individuals at the table for the Hansard.

Mr. Allan Tam: Okay, thank you. Good afternoon, Mr. Chairman and members of the committee. My name is Allan Tam. I'm the co-chair of Markham Chinese Parent Fellowship. With me today is Anita Fung. She is the parent member.

First off, I would like to thank the committee for giving an opportunity to make this presentation in support of Bill 14 and to oppose Bill 13 today.

Parents are the first and most enduring educators of their children. Parents are the most important people in a child's life. They are their child's first teachers. Children are often faced with choices that affect their development and safety. As parents, we must do our best to provide education and guidance to prepare our children to make the best decisions.

Here are the reasons why Bill 13 must be stopped that I would like to address, and they relate to the weakening of democracy which Bill 13 will usher in.

Bill 13 shifts away the power from local school boards, which represent parents and ratepayers, and transfers it instead to bureaucrats in the government. Clause 2.1 of Bill 13 gives the Minister of Education extra power over the equity and inclusive policy. The minister can direct and force school boards to change their equity and inclusive education policy as she or he sees fit.

Under the equity and inclusive policy, the Toronto District School Board released, in 2011, a 219-page curriculum resource guide entitled Challenging Homophobia—for K-to-12 students. On pages 9 and 10, parents cannot remove their children from the classes or before classes. Also, a note will not be sent to the parents on controversial and sensitive topics. If Bill 13 passes, it will apply to all school boards in Ontario.

In Canada, theatrical movie ratings are a provincial responsibility. If a film—for example, a movie, video,

DVD, VCD or video game—is to be distributed or screened in Ontario, it must first be classified by the Ontario Film Review Board. Films and videos are classified to help parents make viewing choices. Parents know what they are giving to their children before they bring a film home.

1450

Many parents feel unsafe at school if they do not know the daily school activity of their children. Like the movie ratings, we want to know ahead of time so that we can be prepared. The Ontario Ministry of Education embraces parent engagement. You say parents' involvement leads to student success. We say that parents' engagement is the only way to prevent bullying at school—not the MPP, not the minister, not Bill 13.

As part of a democratic nation, we want the power to be kept closest to the people who are affected. We want parents, through school trustees, to have control over what happens in schools. We want parents and school trustees in the local community to retain input and, ultimately, control over important policies, especially those which may affect fundamental issues like child safety.

Already, many people in the Chinese community which I represent feel that the equity and inclusive education strategy is too sexualized. The equity curriculum in part 2 of Bill 13 promotes teaching the disputed concept of “gender fluidity” as early as kindergarten. Bill 13 is narrowly focused on students who are bullied over gender identity issues.

The reason why we have trustees is to represent parents and give them a voice. To a certain extent, this government power grab will make trustees irrelevant.

The Chair (Mr. Ernie Hardeman): Excuse me. Could you move just a little back from the mike? Hansard is having a little trouble getting all the words.

Mr. Allan Tam: Okay.

It makes it impossible for trustees to fully and properly represent the people who elected them.

With clause 2(1) in Bill 13, it makes it even harder for local parents and trustees to express their concerns and values because the minister can easily override the trustees and rewrite the equity policy however she or he wants. This whittles away our democracy and should be resisted by we the people.

While we as Chinese Canadians oppose bullying of all kinds, introducing Bill 13, which ignores the majority of bullying, is not equitable.

Bill 14 is a better bill because it focuses on teaching that bullying of anyone is wrong and does not mandate an equity policy. We ask that you pass Bill 14 without delay.

Thank you for having me. I'll turn it over to Anita.

Ms. Anita Fung: Good afternoon, Mr. Chairman and all the MPPs. My name is Anita Fung. The MPP of my riding is the Honourable Michael Chan. I vote for Bill 14 and vote against Bill 13. The reason? Well, there are a lot of reasons; I'll just mention some.

Bill 13, paragraph 29.1, requires boards “to develop and implement an equity and inclusive education policy, and, if required by the minister, submit the policy to the minister and implement changes to the policy as directed by the minister....” The result of this requirement to the board makes me scared and worried.

A document named *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*, 2011, was developed by the Toronto District School Board to implement an equity and inclusive education policy. On page 10 of the resource guide, it says that no permission slips will be sent home before starting class work on LGBTQ issues. This means that I, as a mother—that my right and responsibility to protect my child has been taken away by the education system of Ontario. I repeat: My right and responsibility to protect my child has been taken away. It's intolerable here.

Ladies and gentlemen, do you understand what I'm saying? As a parent, to protect my kids is an instinct. It's the parents' right to protect children; it's not given by the lawmakers. No one, including lawmakers of the government or of any kind, can pass any law—even named as a human right—that can take away my right to protect my child. The role of government is to provide services and tools to support parents to protect their children. We, as parents, pay tax to the government to enforce child protection programs and set up an education system to help children grow. So please understand that we, as parents, won't give up the fight to keep the right to protect our children.

We understand that parents are responsible for their children's actions. When children are unable to make decisions due to their lack of knowledge and experience, it's the parents' responsibility to choose what they think is best for their children. How can there be a law or legislation where parents are not allowed to choose for their children? If parents are not allowed to intervene in the children's learning, will they continue to be responsible for their actions? Will the school boards, under the Bill 13 policy, now be responsible for every kind of behaviour of children?

In the document *A Parent Engagement Policy for Ontario Schools*, 2010, it says that it recognizes and supports the important role parents have in contributing to their children's learning at home and at school. It also identifies strategies to remove barriers to parent involvement. According to this policy, parents are encouraged to be actively involved in their children's learning, and educators are to do their best to remove any kind of communication blockages. How is it possible, then, that there is a curriculum such as the one proposed by the TDSB, where parents are not allowed to be informed of and involved in their children's learning?

The TDSB's *Challenging Homophobia and Heterosexism* curriculum clearly violates the education policy of Ontario, where parents should be informed of their children's learning at all times. Now, I want to ask the Honourable Laurel Broten, the Minister of Education: Will this curriculum be the standard curriculum that is

required to be implemented by all Toronto school boards?

Since it violates the education policy of Ontario, I request that this curriculum be taken out, along with Bill 13, which requires the school boards to develop and implement such policies and curriculum.

In conclusion, I support Bill 14 as it does not require the school board to develop a curriculum and policies without the parents' consent. Keep in mind that we, as parents, are more passionate about our children than anyone else in the world. Protecting our children is an inherited right, and we'll fight to the end if that is taken away from us.

Ladies and gentlemen, I'm not just talking about my own opinion. I was a teacher before I came here, and I have been working with students and parents all these years since I came here. I'm talking on behalf of all the parents I've talked to. We want to share our hearts with you. We are not interested in politics. What we care most about is the education of our children. We feel that the consequences of passing Bill 13 will bring confusion about gender identity and sex orientation to our children at a very young age, and we cannot help our children because our right has been taken away.

Ladies and gentlemen, can you read our hearts as parents? Do you read our worries and our deep concerns? We welcome an anti-bullying act which does not bring up any controversies, like Bill 14. So all MPPs: You're elected to represent our voice and vote on our behalf. Please listen to us and understand our concerns. Thank you very much.

1500

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the 15 minutes for your presentation, so we thank you again for coming in.

MS. MIRTHA CORONEL

MS. AMINA JAMA

The Chair (Mr. Ernie Hardeman): Our next delegation is Mirtha Coronel and Amina Jama.

Ms. Mirtha Coronel: Good afternoon.

The Chair (Mr. Ernie Hardeman): Thank you very much. If, in starting the presentation, you do as the others, we have 15 minutes. That means one more minute when you get near the end, if you're not complete at that point. And before you start with your presentation, if you would just give your name and the other names so that Hansard knows who's speaking at the time.

Ms. Mirtha Coronel: Good afternoon. My name is Mirtha Coronel, and with me today is Amina Jama.

I'm a mother of three children. I'm also a merchandise buyer at Sears Canada. I'm currently on maternity leave, as you can appreciate, with my third child. I was born and raised in Etobicoke and I am a resident of the greater Toronto area.

As a resident of the city of Toronto, the province of Ontario and this beautiful nation of Canada, I am thankful and feel privileged to be living in a democratic society that allows me to stand before you, the elected provincial officials, today.

Bullying is a very serious matter. I understand it first-hand, as I, as a child, was on both sides of this issue, as a bully and as one who was bullied. Although understanding the reasons for bullying are complex in nature, and on the surface may vary from case to case, I have no doubt in my heart that the root of it all is a lack of love. Whether it be a lack of love from parents toward their children or children toward their parents, or a lack of love for oneself, it is a very basic essence that is missing in our society today.

So I come before you asking that you genuinely consider how you, as elected officials, can really help eliminate the issue of bullying from within our schools. I ask that you set party political agendas aside and do what is right to uphold truth to the issue of bullying. Specifically, I would like to consider a couple of key elements from both Bill 13 and Bill 14.

First, Bill 13: The Accepting Schools Act is an act to amend the Education Act. It sets out to make schools more equitable and inclusive by very clearly segregating a specific group of people; namely, people who have same-sex attraction, as stated in the bill's preamble. It goes on to state that "students need to be equipped with the knowledge, skills, attitude and values to engage ... others critically...." It states that a "whole-school approach" must be taken; that is, "everyone—government, educators, school staff, parents, students and the wider community—has a role to play" in this.

Paragraph 2 of the bill states that paragraph 29.1 of subsection 8(1) of the act should read: "Require boards to develop and implement an equity and inclusive education policy, and, if required by the minister, submit the policy to the minister and implement changes to the policy as directed by the minister," meaning that every board would have to implement this.

Here is where my concern lies: You see, we in Toronto have an equitable and inclusive curriculum. The resource guide is called Challenging Homophobia and Heterosexism, a kindergarten-to-grade 12 curriculum guide. This resource guide is laden with elements that blatantly challenge my role as a parent and aims to eliminate my parental rights and religious freedoms—ones that are protected under the Canadian Charter of Rights and Freedoms. This is unacceptable.

Page 10 of the curriculum clearly states that there is no opting out or any accommodations of any kind if they contradict the religious beliefs of the pupil or the teacher. Further, it goes on to teach sex ed as early as kindergarten, when my children need to focus on learning their ABCs and their 123s.

In essence, the Accepting Schools Act is not accepting of parental rights or cultural or religious freedoms. By its mere definition it is, in and of itself, positioned to bully parents, teachers, and students of various ethnic, cultural and religious beliefs who are not of like mind.

So I ask you to consider: What benefit to the students and teachers and parents and society at large will such a bill as Bill 13 bring?

Bill 13 goes on to amend section 301 of the act by requiring third party users of schools operated by the board to include in the agreement that the person or entity follows standards that are consistent with the code of conduct. I'm not fully aware what this means because I haven't actually seen what the code of conduct looks like, but it seems to me that this sets up for these third party users to have to be equity and inclusive. Many religious groups use school property outside of regular school hours. The government should not be permitted to impose their own agenda on these various groups.

My last main concern with Bill 13 is paragraph 9 of the bill, which requires an amendment to section 303.1 of the act and imposes on every board the requirement to support pupils who want to lead and establish "activities or organizations that promote gender equity"—that's their point (a); and their point (d) is "activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name."

My concern with this is that the province of Ontario supports the public school board and the Catholic school board. When the province stepped in to help the Catholic school board, they did so with the understanding that there was a need for this board to even be in existence and that this board had values that were established and are established and rooted in the word of God and the traditions that follow it.

It is a concern that at this point in time the government would target this board by attacking its very foundation on account of its having traditional moral values. This attack by the government was very evident in statements made by the Minister of Education, Laurel Broten, when refusing to accept the Catholic Church's accepting differences document. For the record, I'm not Catholic. I'm just saying; not that it matters.

As for Bill 14, it is truly an anti-bullying bill, as illustrated in the preamble, whereby it gives a crystal-clear definition of bullying and encompasses all bullied people and bullies without highlighting any specific group. Section 2(1): Subsection 1(1) of the Education Act would be amended as follows: It would define "bullying" and state that:

"bullying" means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another pupil and if it has the effect of or is reasonably intended to have the effect of,

"(a) causing physical or emotional harm to the other pupil or damage to the other pupil's property,

"(b) placing the other pupil in reasonable fear of harm to himself or herself or damage to his or her property,

"(c) creating a hostile environment at school for the other pupil,

"(d) infringing on the legal rights of the other pupil at school, or

"(e) materially and substantially disrupting the education process or the orderly operation of a school," otherwise described as "intimidation."

The act also encompasses cyberbullying, which is a modern form of bullying, and bullying in schools and the parameters that would define what "the school" means.

Based on the all-encompassing and thorough Bill 14, it is my desire to see Bill 13 removed from the table and Bill 14 brought forth as the one bill that by its very nature addresses all the main anti-bullying points in Bill 13 without highlighting any specific group and without eliminating others and without promoting a political agenda aimed to re-engineer society at large.

Let us teach each other to love and respect one another through a bill that treats everyone equally. For the sake of the voiceless in this generation and in the generations to come, I urge you to say no to Bill 13.

The Chair (Mr. Ernie Hardeman): Thank you very much.

If I could just take a minute and tell the audience that there is room in 151 around the corner. You can sit down and you can watch it on the TV screens. We have to be a little cautious about the door and people being able to get in and out, in case somebody has to get in or we have to quickly get out.

Back to you.

1510

Ms. Amina Jama: Good afternoon. My name is Amina Jama, and I'm a mother of three. I don't hold any job; I'm a homemaker. I was introduced to Bill 13 through my friend. I never knew her—I just met her somewhere and she told me about it, and I was very surprised when I read Bill 13. A lot of people do not know about it.

I just have a simple thing to say: Let me be a parent. Let me do my job. I am a mom. I know how to raise my kid. I will teach her what is right from wrong, and I am against any bullying, period. I don't care what you are, whether you're black, white, brown, blue, who you are; I am against any bullying. I, a mom, will teach my child what to do and what not to do.

Let the school be a school environment. I do not support Bill 13 and I do support Bill 14. I am not affiliated with any religious or any specific group. I just want my voice to be heard that I do not support Bill 13.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about three minutes left. The government party.

Mr. Bob Delaney: Yes, a question: Will you please explain the link between the Toronto District School Board document that you're reading from and the Accepting Schools Act?

Ms. Mirtha Coronel: Yes. In 2009, the Ontario government put out a document which I didn't reference in my presentation but it's called—just give me a second—Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementa-

tion—Realizing the Promise of Diversity. The link is essentially this document. I have a copy of it here if you want to see it. From this document, the Toronto District School Board established the equity and inclusive curriculum. That's the link between the two. So though Bill 13 doesn't call out the Toronto District School Board curriculum, by the mere language that's used where it says that every board shall have an equity and inclusive—whatever it is, because there are several elements that every board shall have in order to create an equity and inclusive environment according to Bill 13. That's what the link is.

Mr. Bob Delaney: As we are not debating that bill, would you please tell me which section of Bill 13 affects curriculum in the province of Ontario?

Ms. Mirtha Coronel: Which section of Bill 13?

Mr. Bob Delaney: Bill 13.

Ms. Mirtha Coronel: I believe the bill in its entirety affects the curriculum, beginning right from its preamble, and I'm going to read from the preamble if that's what you want to hear. Or is there a specific paragraph that you want me to refer to? Because there are several; they're highlighted here.

Mr. Bob Delaney: If you feel that a part of Bill 13 is prescriptive of the curriculum in Ontario schools, I'd just like you to put into the record which sections you feel dictate curriculum.

Ms. Mirtha Coronel: Well, where it says, in the preamble, "Believe that students need to be equipped with the knowledge, skills, attitude and values to engage the world and others critically, which means developing a critical consciousness that allows them to take action on making their schools and communities more equitable and inclusive for all people, including LGBTTIQ"—and then it spells it out; and "Recognize that a whole-school approach is required, and that everyone—government, educators, school staff, parents, students and the wider community—has a role to play in creating a positive school climate and preventing inappropriate behaviour, such as bullying, sexual assault, gender-based violence and incidents based on homophobia." So it's saying that this is a belief and that everybody should have these values, and it recognizes that it's a whole-school approach, and the only way to take a whole-school approach is in a way to impact the curriculum.

Mr. Bob Delaney: That's how you're interpreting that it affects the curriculum?

Ms. Mirtha Coronel: I'm not a lawyer, but yes. I'm a mom.

Mr. Bob Delaney: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated. We thank you for taking the time to come in, all three of you.

MS. MARION KARASIUK

The Chair (Mr. Ernie Hardeman): Our next delegation is Marion—

Ms. Marion Karasiuk: Karasiuk.

The Chair (Mr. Ernie Hardeman): Welcome. As with the previous presenters, you have 15 minutes to make your presentation, and I would ask you to repeat your name for the Hansard so they'll have it properly.

Ms. Marion Karasiuk: My name is Marion Karasiuk.

The Chair (Mr. Ernie Hardeman): Thank you very much. The floor is yours.

Ms. Lisa MacLeod: Do we have the presentation?

The Chair (Mr. Ernie Hardeman): Is there a written presentation?

Ms. Marion Karasiuk: No, I have a one-page hand-out. I'll send it around at the end.

The Chair (Mr. Ernie Hardeman): Okay. Very good.

Ms. Marion Karasiuk: Mr. Chairman, staff, ladies and gentlemen of the committee, thank you for this opportunity to speak to you regarding the anti-bully bills that are before you. I'd also like to thank my own MPP, Cheri DiNovo, who took time in her office to see me and a friend two weeks ago regarding these same bills. Although we do not agree on everything, I have great respect for Cheri as a politician and a leader in our community of Parkdale-High Park.

As I said, my name is Marion Karasiuk. My background is, I'm an engineer. Out of university, I worked in my field for 12 years, but when my second child was born, I didn't return to work. Instead, I stayed at home and began to volunteer in the community. For example, over the last 11 years, I volunteer weekly at a food and clothing bank in my neighbourhood, and for a six-year period I volunteered in the federal women's prison in Cambridge.

In addition to these volunteer activities, I, as well as my husband, volunteered extensively in the various Toronto District School Board schools that our two children have attended over the past 15 years. I volunteered on dozens of field trips and recreational events. I've helped dozens of times in the classroom and on pizza lunches. I've organized fundraising and other events and have sat in on countless school council and school committee meetings over the years.

I am a Christian with traditional religious values. My faith and values call me to be a compassionate, principled person and to give my time and energy to the people in my life and the people in my community. Together, my husband and I have raised compassionate and principled children who also give their time and energy in the community. Last year, when my older daughter graduated from high school, she was the winner of the Lieutenant Governor's award for community volunteering.

As you know, parent involvement in children's education is an important indicator of student success. I believe that my and my husband's involvement in our children's school has contributed to our children's and their classmates' success as students and as young citizens of Ontario.

As a parent who has been actively involved in my children's education and schools, I'm here today to give you my perspective on the anti-bully bills that are before

you. I have read both Bill 13 and Bill 14 in their entirety. I want to recommend that the Parliament of Ontario vote yes to Bill 14 and no to Bill 13—details in a moment.

The short version is this: I support Bill 14 because it is impartial, dealing with bullying of anyone for any reason. It is flexible, recognizing that different schools have different mandates and recognizing the overall complexity of the bullying issue; and it is accountable, respecting parents and the electorate of Ontario by making the tracking and handling of all kinds of bullying incidents in publicly funded schools transparent. I do not believe Bill 13 has these characteristics, and so I do not support it.

Now the details: I support Bill 14 because it is impartial. It deals with bullying of anyone for any reason. It does not isolate specific causes and specific groups of people. Bill 13 singles out for special attention and support for specific groups. One of these is young people who identify in the LGBTTIQ categories that are listed in the preamble of the bill.

This special attention and support for this group will create an environment in Ontario schools where students and parents with traditional religious values are labeled and intimidated into silence; in other words, bullied with impunity.

1520

I know this will happen for two reasons. The first reason that I know it will happen is because I experienced it personally. Four years ago in my child's school, an alternative school which expects and even requires parents to be involved, I asked to be informed about what my child was being taught about the sensitive subjects of gender and sexual identities so that I as a parent would have the chance to help my child process those teachings. I acknowledged that many other parents do not have the same values as I do, and I respected them as parents of their children, but I asked to be respected as the parent of my child and to be given the chance to know what my child was being exposed to, so that we could talk it out at home. The end result of my daring to ask for this was a series of secret meetings held to decide how to deal with me, and then finally a very public parent meeting at which my request was summarily dismissed by the principal and I was labelled homophobic. When other parents also with traditional religious values saw how I was treated, they clammed right up. Isn't that the classic result of bullying? People are silenced; people clam up. They put their heads down and duck out.

As a result of this, I withdrew from a number of volunteer activities in the school. I felt I could not continue in roles that I had served in for years. I felt like a pariah. But the good news is that our family did not leave the school. We stayed involved at the level that we felt we could be involved and remained a part of the community. Again, because of my traditional religious values, I sought the way of forgiveness and staying in relationships through difficult times. It has been a long road, but after four years I have the courage to speak to you all about this because I do not want to see other parents bullied and silenced as they try, in good con-

science, with respect for others, to exercise their parental responsibilities in the raising of their children.

The second reason I know that students and parents with traditional religious values will be marginalized is because of what I see, sadly, in the public debate over Bill 13. Insulting language has been used to belittle and intimidate parents with traditional religious values by a provincial government minister, Glen Murray, and by a consultant that the government has used in connection with Bill 13, Dan Savage. If this is how the promoters of Bill 13 use their power to deal with persons with whom they disagree—that is, by bullying them—how is it that we expect our school environments to be safe from such abuses of power if we legislatively give certain voices supremacy over other voices?

Bullying of any kind is wrong. Bullying of any student for any reason in our schools should not be tolerated, and that is what Bill 14 is about, because it is impartial whereas Bill 13 is not.

Another reason I support Bill 14 is because it is flexible. In the formation of anti-bullying policy, Bill 14 respects that different schools have different mandates; for example, Catholic schools have a mandate to uphold Catholic moral and religious teachings. Many parents have specifically chosen these schools for this reason. Bill 14 also respects that different parts of different cities and the province at large have different rates of different kinds of bullying. Bill 13, on the other hand, enforces a one-size-fits-all policy and procedures and resources and training for all publicly funded Ontario schools.

Bill 13 also requires that all secondary schools permit the formation of student-led gay-straight alliance clubs. From the years that these clubs have been around in the United States, it's clear that they're not just clubs for kids who are experiencing bullying; they are clubs for actively promoting various sexual lifestyles. For Catholic high schools, requiring them to have GSAs means requiring those schools to endorse clubs that contradict Catholic teaching. This undermines their mandate as Catholic schools. The legacy of our pluralistic democracy in Canada is that respect for differing religious convictions has been present not just from Confederation but actually written into it.

Finally, I support Bill 14 because it is accountable. It respects parents and the electorate of Ontario. Consultation is sought from, and policies, plans and accountability reports are made available annually to, the public so that the handling of bullying in schools is transparent. Bill 13 has only internal accountability through school climate surveys. These have their place, but by themselves they take the parents and the Ontario electorate out of the equation for the school system we are funding and entrusting our children to.

In summary, Bill 14 takes the issue of bullying in schools seriously—all kinds of bullying—including but not limited to the bullying of young people who identify in the LGBTTIQQ categories. Bill 14 does this in a way that is impartial, flexible and accountable and that respects parents' rights and responsibilities in the raising

of our children. On the other hand, I fear and I believe, with good reason, that the rights and voices of parents across Ontario in the education of their children will be overridden by the passing of Bill 13. Therefore, I encourage you to vote yes to Bill 14 and no to Bill 13.

I have a one-page handout. It is a letter that I sent by email to Cheri, and I copied all of you as members of the social policy committee. I'm just providing a hard copy for your convenience. Thank you for listening.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the 15 minutes. We thank you for the presentation. The clerk will pass out the letter you have given us, to ensure all committee members have it.

ALLIANCE FOR FAMILY VALUES

The Chair (Mr. Ernie Hardeman): Our next delegation is the Alliance for Family Values: Peter Chen, Jenny Kwan and Kenny Tsui.

Mr. Peter Chen: I have some documents.

The Chair (Mr. Ernie Hardeman): Thank you. The clerk will look after that. If you will sit at the front table there, you have 15 minutes to make your presentation. As we're drawing near the end, that means there's one minute left. As I said, you have 15 minutes to make it. If there's sufficient time afterwards, we will allow questions from the members of the committee. If not, we appreciate that, and we will consider everything that's presented as we review the two bills. With that, the floor is yours.

Mr. Peter Chen: Thank you. Good afternoon, Mr. Chair and members of the panel. May we congratulate you for helping Ontarians in public affairs and also paying so much attention to children's education? With this also in mind, our alliance has actually conducted a general opinion survey which hopefully would help our panels and members of the government to consider when deciding on Bill 13, Bill 14 or any bill which is related to anti-bullying.

You can see, actually, from the submission the essence of what we are going to say. The details of the survey will be in the survey report, which you probably have by now received. My colleagues here, Mr. Kenny Tsui, Mrs. Jenny Kwan and also Mr. Samuel Chan, will be giving you more qualitative aspects of the summary of our survey.

Our survey has been done in various—

The Chair (Mr. Ernie Hardeman): If I could just stop you for a moment: Could you please give your name, too, for the Hansard so we know everyone that's in the delegation?

1530

Mr. Peter Chen: Yes. I'm Peter Chen. Thank you, Mr. Chair.

Our survey has been done, actually, on the Internet as well as on a few locations in Markham, Richmond Hill, Toronto, North York, Scarborough, and Mississauga as well. Of the 2,800 responses returned, we found that,

actually, the kind of results do not differ much whether they are religious or non-religious, or general public, so to say. That is also reflected from our surveys on the Internet.

With that, I will ask my colleagues to start presenting, firstly, some of the examples and the kind of feedback they've got from our public respondents. Then Mrs. Jenny Kwan will also be giving some specific examples, while Mr. Samuel Chan will give you concluding remarks, in points, as to what kind of things the public wants and hopes that the government will consider.

Mr. Kenny Tsui: Mr. Chair, officers and public Ontarians, my name is Kenny Tsui, speaking on behalf of the Alliance for Family Values to question and to oppose the Minister of Education on launching Bill 13, the Accepting Schools Act, 2012, to all school boards. Based on our recent statistics, survey report and the public's concern, people wonder whether there is an under-the-table agenda or purpose of our Minister of Education, who is so eager to enforce Bill 13 to all school boards. Would it be actually merely to promote homosexual and multi-gender sex activities to all Ontario students? Please do not try to mislead Ontarians to integrate the anti-bullying acts by means of this kind of Bill 13. Don't foolish around the public.

The Ontario Minister of Education should not impose Bill 13 by legislation on compliance to all public and Catholic schools. Eventually it will cause us unnecessary arguments and conflicts among the community. It will also cost extra education funds and will involve a lot of legal lawsuits from churches and from individual different families going through legal aid to contest the government in a series of cases up to a federal Supreme Court judgment.

At present, the Ontario government owes a huge deficit of over \$280 billion, and every 1% increase in interest rates will cost the province an additional \$500 million. Such kind of money could have paid for 12,000 first-year elementary teachers and to help a lot of extra-curricular activities like music or sports.

The major role of the Minister of Education is to provide the fundamental needs of Ontario students and to maintain the basic education, knowledge and technology applications of our students up to and above the average international standard of the same level of classes. At this time of the great shortage of money, the minister should assist our Premier to control the budget balance on every school board to ensure no overexpenses and to make sure that every dollar of the taxpayers is cost-effective, based on their education.

The best way to anti-bully is going through proper guidance to all students: by love, by care, by respect, by peace, by sympathy, by consideration, by sharing, by warranty and by help—this kind of moral education. For serious bullying, which is a criminal offence, there's the police who follow up; and for many cases, the teacher, the principal, the trustee, the parents are capable to deal with this and control and investigate and solve the problem.

Bill 13 does bully against a parent's choice, the school trustee's rights, the teacher's role, religious freedoms, conservative values, basic education principles, non-mature children's normal physiological and psychological development, and the respect of generally every culture. Bill 13 is surely not an urgent need, nor a basic education subject to young students at their fundamental studying period in kindergarten and primary levels.

The other unreasonable act is to neglect the parent's choice to exempt their children attending such kind of multi-gender sex education classes or activities. If Bill 13 passes through into law, the school trustees and the teachers will lose their rights and the decision to arrange for proper timing for releasing sexual orientation behaviour information to students in higher-level classes, for most educators do believe that gay-straight alliance concepts are not suitable for children at early ages, but it is good for high school students to understand the difference between traditional family values and multi-gender sex rights in the community.

It is too early to implement such concepts to non-mature students or children. This is a kind of brainwashing. The grade three students and kindergartens are too young and do not easily but with difficulty distinguish between good or bad, right or wrong, popular or inappropriate.

Usually the children will listen to the adult, and the adult's behaviour or activity may not be suitable for young people. We must be very, very careful. We cannot let the government make decisions on our children, to force them to choose, to accept, to support or understand gay-straight alliance activities at their early stage of life.

We have the rights to protect our children; besides, the freedom of choice of parents and for any individuals is also to be respected. The government has no right to enforce our children to accept such gay-straight alliance activities in school. We are not going to bias law to suppress or persecute homosexual and/or multi-gendered people. We want to have a fair choice on our own decision to accept or not to accept certain life behaviours for our children other than the basic moral and ethical training and general educational knowledge. Thank you.

Mr. Peter Chen: Next, our colleague would be Ms. Jenny Kwan.

As you can see in the survey results, over 90% of the respondents have very similar kinds of responses. Also, we cross-compare with various groups, religious, non-religious, general public, Internet public, and they have come to very similar conclusions. This is another qualitative example.

Ms. Jenny Kwan: Good afternoon, committee members. My name is Jenny Kwan. I'd just like to highlight some comments that we received from parents who participated in our survey. These comments were received from those who actually participated in the survey and actually wrote comments on the sheet.

One says, "Bill 13 would make children get awful mental health. It is too terrible!"

Another one says, "Parents' rights should be respected."

"This Bill 13 is ridiculous."

"Bill 13 will result in confusion of children's thinking and create an unhealthy mental state."

There were some other comments on the Internet that were also from parents who are concerned about Bill 13. One parent stated she does not want her children to be taught there are seven different genders. She also said she does not want her children taught that a person's gender is not connected to their physical anatomy, meaning boys can become girls or girls can become boys.

"Bill 13 is more about changing social views on human sexuality than bullying."

Finally, "Many young people are bullied for no particular reason." For example, they may be bullied for "the way they talk, the way they dress, the way they look, their size or even their name. In fact, the number one cause of bullying is body shape and image."

Thank you.

Mr. Samuel Chan: Good afternoon. My name is Samuel Chan. The following are the result findings of the survey. The results and analyses suggest that the responses are consistent across the different sources, general public or religious. Respondents from the general public and the religious have similar responses for the questions. Bill 13 is a serious concern for all. People are very concerned as regards the major measures proposed in Bill 13 and the approach that is used to legislate Bill 13.

1540

The data shows that an overwhelming majority—mostly over 90%—of the respondents expressed their opinions that: (1) they're opposed to passing Bill 13; (2) schools should not educate four-year-olds or very young children in sexual knowledge; (3) schools should not ask grade 3 elementary school students to participate in gay pride parades for anti-bullying purposes; (4) schools should not have gay-straight alliances; (5) their MPP did not consult them with regard to Bill 13; and (6) Bill 13 should be decided by a referendum.

According to the above opinions of the vast majority, it is recommended, therefore, that the government should take into consideration the following:

(1) There should be an equity policy for deciding on the contents and measures in the bill for the protection of all students from bullying-motivated prejudice or hate on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor; and this should be reflected in the bill's balance in contents, measures and approaches for each and every of the above-mentioned student groups, based on race, ethnic origin, disability, religion etc.

(2) The bill should not require schools to have measures, activities, programs and organizations that are against the will of the vast majority in Ontario, like gay-straight alliances, the implementation of policies that requires sex education for students at a very early age, and requiring students to participate in in-school gay pride parades.

(3) There should be activities or organizations that better promote the understanding of and respect for

people through other aspects that are proven to be more effective for anti-bullying, such as the education programs in and promotion of traditional family values that encourage self-respect, mutual respect, benevolence and agape.

(4) The decision on Bill 13 should not be made in haste, without letting all people be aware of this bill and participate in the democratic decision-making process.

(5) There should be an extended, widely publicized and extensive public consultation for the general public in every constituency, by the MPPs, on Bill 13 before the legislative decision process further proceeds for the bill.

(6) The fate of Bill 13, after extensive public consultation, should be decided democratically by the people of Ontario through referendum.

Thank you.

The Chair (Mr. Ernie Hardeman): I was just going to say, anything beyond (7), we would ask for that in writing, because our time is up. Thank you very much for your presentation. We appreciate your coming forward.

Mr. Peter Chen: Thank you very much, members of the panel.

MR. KAM WAI PANG

The Chair (Mr. Ernie Hardeman): Our next delegation is Kam Wai Pang. Thank you very much, sir, for coming in to make a presentation. As with the previous—I think you were present as we gave directions; it's a 15-minute presentation. That means there's one minute left. If there is sufficient time at the end of your presentation we will allocate that for questions from the committee. If not, we thank you very much for the 15-minute presentation. The floor is yours.

Mr. Kam Wai Pang: Thank you, Chair. Thank you all, committee. Have a very good afternoon today. May I request that if the information left—because there are names and signatures there, just keep it here, okay?

Thanks for giving me this chance to present what I have to say about Bill 13 and Bill 14.

I think no one would disagree that a bill for anti-bully is great bill. I was full of hope when I heard that the Liberal government's Bill 13 deals with anti-bully. Though I won't say students will be completely free of bullying after the bill, I can imagine that my children and children of my friends, my family or any other children will be safer in their school environment.

Unfortunately, when I took a closer look on Bill 13, I found many contents of the bill do not reflect the nature of the bill, rather using it as a flag to privilege certain people groups. Since my time is limited, I'll try to point out a couple of issues that I noticed and feel very uncomfortable about. The issue is that the government says what they want to do but in fact they are doing the opposite. My point will be talking about equity and inclusivity.

The first issue I'd like to point out is about equity. According to the definitions by the Ministry of Education's 2009 Equity and Inclusive Education in Ontario

Schools: Guidelines for Policy Development and Implementation, equity is "A condition or state of fair, inclusive, and respectful treatment for all people. Equity does not mean treating people the same without regard for individual differences."

This definition is great, but the content in the bill is going in the opposite direction.

Example 1: In the preamble, the fourth "Believe" says, "Believe that students need to be equipped with the knowledge, skills, attitude and values to engage the world and others critically, which means developing a critical consciousness that allows them to take action on making their schools and communities more equitable and inclusive for all people, including LGBTTIQ (lesbian, gay, bisexual, transgendered, transsexual, two-spirited, intersexed, queer and questioning) people."

This statement is neither fair nor inclusive. No other people groups are mentioned; only LGBTTIQ is highlighted. If the government thinks that there are too many people groups to be listed, why list sexual orientation groups only?

Does the Liberal government think that LGBTTIQ is not included in the so-called "all people" in the statement, that they have to be highlighted as "other people" that are not in "all people"? Or do they think that LGBTTIQ has the privilege to be highlighted over other people groups? Or do they believe that LGBTTIQ are the only victims in equity?

Example 2: In section 9 it says that "The act is amended by adding the following section:

"Board support for certain pupil activities and organizations

"303.1 Every board shall support pupils who want to establish and lead,

"(a) activities or organizations that promote gender equity;

"(b) activities or organizations that promote anti-racism;

"(c) activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or

"(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name."

It is so obvious that in point (d), when mentioned about sexual orientation and gender identities, the description is worth more detail, more specifics and more instruction compared to points (a) to (c) in the same paragraph for the other people groups.

1550

(2) The bill specifically mentioned "gay-straight alliance or another name," which is a very unusual instruction compared to the previous people groups described.

(3) Also, should a bill give direction? Why go into the specific nature—even giving the names of specific groups—of certain activities/organizations? This makes me and some of my friends and family suspicious that the

Liberal government is trying to give more privileges and bias to certain groups of people. This is not fair, not inclusive and is against equity.

(4) For example, in a big family with many children, they love each other, but sometimes they fight. They share equal amounts of candies and snacks. But one day, the parents or the guardians decide to give some of the kids more candies and snacks than the others. What do you think will happen? Yes; conflicts, conflicts of interest. Bill 13 is neither protecting nor harmonizing, but creating conflicts between students.

(5) When Bill 13 has highlighted certain people groups, the other groups seem to be for decoration and justification for the bill to carry out the so-called EIE—but actually benefits certain groups only. This is not anti-bully; this is not equity; this is bias and discrimination.

Example 3, the first fruit of Bill 13: TDSB policy. Following the instructions of the Liberal government, the TDSB published a 220-page resource guide called *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*. This book is the most detailed resource guide I could find in the TDSB. Most of the other resource books I found in the TDSB are less than 20 pages. So this one is 10 times more. If we agree that supplying more resources implies providing more privileges, this practice obviously provides more privileges to certain groups of students over the others.

An anti-bullying bill should treat all students equally and not privilege certain special interest groups above others. This is completely against the meaning of equity stated by Equity and Inclusive Education in Ontario Schools.

If what I heard is true, there was an MPP who suggested that the funding for GSAs can be taken from the EQAO. If this is true, this is just like the family with many children: Not only do some of them have more candies and snacks, but the candies and snacks are taken from the other children. This is completely against the spirit of equity. This is deprivation.

Example 4: Daycare centres have to be closed down. When I talked about Bill 13 with some of my friends, I heard that some daycare centres have to be closed in 2014 because they don't want to put certain sexual orientation books and promotional materials in their school, under the light of the Liberal government's EIE policy, which Bill 13 is trying hard to implement in 2(1), paragraph 29.1. The government will remove their subsidy because of that. However, I've never heard of any education institutes losing their subsidy or their licence because they don't put ethnic or religious material in their schools. Is this equity for all people groups—as mentioned, “fair, inclusive, and respectful treatment of all people”? No.

The second issue I would like to point out is inclusivity. In the same definitions by the Ontario education—inclusive education is based on the principle of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings and the broader environment, in which diversity is honoured and all individuals are respected.

As I have said, the definition is great, but going into practice, the fact is, according to the TDSB website—there is a page called Facts and Statistics posted on their website, which I believe they posted according to their own preferences because they select some, but not all or most other, facts and statistics. I find that out of the many statistics, the Canadian Centre for Justice Statistics report Hate Crime in Canada should be the most subjective source comparatively. Unfortunately, as I've mentioned, the TDSB selected info that they want to promote, but it's not the full facts. They mentioned, “Sexual orientation was one of the top three motivations for hate crimes.” This is true, but they intentionally exclude the top two in their inclusivity, which are race or ethnicity, and religiously motivated hate crimes. In the report that they quote, the total number of cases of racial hate crime in 2006 was 502, and religion was 220; sexual orientation was 80. That is six times or three times more than sexual orientation.

I don't see any of the top two issues included in the so detailed instructions of Bill 13. Not only didn't the top two get proper attention; the other victim groups that they list in Bill 13 are unfortunately being included briefly in decoration to support the point “d” group of people with a lot of detail and descriptions. This makes an impression that the “d” group should be treated with more respect, in line 303.1.

In addition, if GSAs can be introduced into our schools with funding and support from schools and school boards, why not the other groups? Why not include the other groups in Bill 13, initiated by the people, like race, religion, whatever? Only four groups of students are included in 303.1. Are the rest excluded? We cannot possibly include every possible group who may be bullied, like myself, who was bullied when I was in my school age. My conclusion on Bill 13 is, the so-called Accepting Schools Act is not accepting at all.

So I add one more sentence on Bill 14. All the problems I can see in Bill 13, I cannot find in Bill 14. I'm not a good amender like the previous speakers, presenters, but I'm a shopper; I know how to shop. When I see good things, I do a shopping. I cannot make adjustments, but I know how to shop.

Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the 15 minutes, so we thank you again for your presentation.

CANADIAN HINDU ADVOCACY

The Chair (Mr. Ernie Hardeman): Our next presenter is the Canadian Hindu Advocacy, Ron Banerjee, director. Thank you and welcome. As in the previous delegations—I believe you were present when we introduced the last one—it's a 15-minute presentation. If there's sufficient time left at the end of it for questions, we will have the committee ask questions. If not, I'll thank you again for coming in.

Mr. Ron Banerjee: Thank you for having me here.

The Canadian Hindu Advocacy is a representative of the Canadian Hindu community here in Canada, where there are about a half-million of us. We have some issues and problems with these bills. There are many reasons why we have issues with them.

One of the issues that we have is that we actually believe that these bills are going to backfire. Far from lessening hatred or discrimination against gays and homosexuals, we actually believe that it will increase hatred against these particular groups, and I will explain why.

The Canadian Hindu community is in many ways the most bullied and the most discriminated-against group in Canada. There are many examples of this. An Air India jet in the 1980s was blown up by suspected Sikh terrorists. The police discriminated against the Hindu community, did not find the guilty people, and really didn't seem to care very much about the case of those 330, mostly Hindus, that were killed.

1600

After 9/11, a Hindu temple in Hamilton, Ontario, was burned to the ground by unknown personalities. The police were not able to find who did it, and they didn't make sufficient efforts as well, in our opinion.

So we know about bullying; that's what I'm trying to say here. Nobody really can lecture us or teach us about bullying and discrimination. But you know what? We know that there's a right way to fight against bullying and there's a wrong way to do it.

These bills that are on the table here, they indicate that we should approach bullying in a manner, in a methodology, that's somewhat similar to the way, for example, that the Toronto District School Board approaches the issue of bullying. We know from experience that the Toronto District School Board is absolutely the wrong school board, the wrong example to use, absolutely the wrong people to follow when it comes to issues of bullying. This is the organization, the Toronto District School Board, that, in the name of increasing understanding towards the Muslim community, allows gender apartheid in the Islamic prayers within their school systems. These guys, the Toronto District School Board, they're actually promoting oppression against Islamic Muslim women within their school system. So who exactly are these people as a model to follow in terms of how to reduce oppression or hatred or discrimination?

We actually have concerns, and we have specific reasons why these bills will increase prejudice against homosexuals. When Hindu students are bullied in the schools, here is what we, the Hindu community, and we at the Canadian Hindu Advocacy do not do, and we never will do this: When a Hindu student is bullied in school, we do not go to the school and we do not ask or demand that the teachers within that school lessen the bullying against Hindus by demanding that the teachers within the school system teach our holy texts to other students or quote from our holy books, the Vedas. We do not ask students to dress up in Hindu outfits and pretend to be Hindus for a day.

Now, we are dedicated to fighting against oppression against the Hindu community, so you can ask, why don't we ask for this? Why do we not go to the school boards and demand that they take this type of action? Because we know what the result of that will be. The result will be B-A-C-K-L-A-S-H, backlash. If we take people of other religious faiths and preach our religious texts to them, or if we encourage them to dress up as Hindus and pretend to be Hindus for a day, what will happen is that these kids will go home and they will tell their parents, who may be of other religions or other faiths, "Look what these teachers are making us do in school." What will that do? That will actually increase dislike and hatred against the Hindu community.

The Toronto District School Board, if you look at their manuals, their suggestions, they want playacting. They suggest that perhaps two boys in a school can get up and can maybe act out a little skit, do a little play. Let's get them to pretend that they are gay and let's have them act out a little scene on stage. These are the kinds of non-sensical suggestions that the Toronto District School Board has. This is the sort of thing that will not work. It absolutely will not work.

Just imagine what will happen if this type of bill is put into place. The students will go home and they'll say, "Mommy, Daddy, guess what we did in school today? Guess what the teachers had us do in school today?" You know what that's going to do? That's going to increase the discrimination. That's going to increase the dislike against homosexuals and the gay community in society as a whole. It's actually the worst thing that could possibly happen to the gay community, and this is one of the reasons that we oppose it.

The way to fight bullying and discrimination is to simply tell people, "Look, there are people with different religions, different faiths, different skin colours, different sexual orientations in the school system. They're allowed to have those orientations. Don't bully them; don't harass them; don't bug them. If you do bully them, harass them or bug them, we'll come down on you. We will penalize you for doing that." That's the right way to do it.

But it's absolutely not necessary to get them to play-act and go up and pretend and to give people intimate details, fine-grained details about—"Well, what exactly is homosexuality? What does it involve?" "Well, this is what homosexuals do." We don't need to know those details; we just need to know that they have a slightly different orientation, a different sexual orientation. Don't harass them for that.

So there's a difference. A lot of people don't understand the difference. There's a difference between reducing violence, reducing bullying, reducing oppression by simply giving a broad message of, "Don't oppress people," versus trying to either brainwash people or to give an excessive level of detail, which is not necessary, about those particular lifestyles or a particular religion or a particular faith. We don't need to know all that; we really don't.

That is where the Canadian Hindu Advocacy stands. We have consulted on this issue. We have been to many

of the temples in the GTA, in the Toronto area, and it is the unanimous view, unanimous opinion, of our community that we are against bullying; we are against all forms of oppression. But there's a right way to fight it and there's a wrong way to fight it, and these bills are definitively the wrong way to do so. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about three minutes left. I think it was you last time—yes.

Ms. Lisa MacLeod: Thanks very much for attending the committee. We have no further questions for you.

The Chair (Mr. Ernie Hardeman): Do you have anything that you would like to ask?

Ms. Cheri DiNovo: I'm just interested. I'm a United Church minister—that's my other job, other than being an MPP—and for our confirmation class, we were delighted to take our children to a Hindu temple. Actually, they did dress up in saris, and they did study some of the texts, in fact not just of Hinduism but of Islam, of Judaism and of other religions; and certainly in the school, as part of their world religions class, they also did that. Would you see that as a negative?

Mr. Ron Banerjee: Not necessarily. If you have a world religions class or a class in comparative religions or something that's related to that issue, within the context of the class, that could be part of a class assignment certainly, but not as part of a generic anti-bullying program which applies to everyone regardless of whether they're taking that particular course or that particular class or not. There's a difference between the two.

Ms. Cheri DiNovo: This Bill 13, I would also ask—and it has been asked before—I'm reading through the bill, and I don't see where it has specific requirements for curriculum. So is there a particular place in the bill that deals with curriculum that you object to?

Mr. Ron Banerjee: Well, we object in general to—we haven't really gone through the bill with a fine-tooth comb, but we certainly object to the portions that refer to some of the actions that are taken within the TDSB as an example to follow. So we would certainly object to those types of—the general tone and the general tenor of the bill appears to be oriented towards teaching people about the intricate details of gay and homosexual and other lifestyles, as opposed to a generic broad-brush statement of opposing bullying, and it tends to single out—you create a lot of problems in that sense, because if you are tailoring a bill around a particular community, other communities, like the Chinese gentleman who just spoke before me—I don't know his name—may quite rightly object that—why that particular community. Why isn't every single community being given an equal amount of attention—we have perhaps over 100 ethnicities and communities here in Ontario; we're very diverse here—so you don't create problems on that end.

1610

The Chair (Mr. Ernie Hardeman): Okay, thank you very much. That concludes your presentation, and we thank you very much for coming forward.

Mr. Bob Delaney: Do we have any time for questions?

The Chair (Mr. Ernie Hardeman): No. No, they're all gone. You're next. Time's up.

Mr. Bob Delaney: Well, I have five minutes left.
Interjection.

The Chair (Mr. Ernie Hardeman): Yes, it is.

TORONTO CHINESE CATHOLIC TASK FORCE

The Chair (Mr. Ernie Hardeman): The next one is the Toronto Chinese Catholic Task Force: David Kong, co-ordinator, and Sam Hundall. Welcome, and—

Mr. David Kong: I have some copies of my presentation here.

The Chair (Mr. Ernie Hardeman): Okay, the clerk will distribute those. As with the previous presenters, you will have 15 minutes to make your presentation. If there's sufficient time left for questions, we will start the next round of questions with the government side of the committee, and if not, then we'll go on to the next presentation. Thank you very much for coming in, and the floor is yours.

Ms. Lisa MacLeod: You can go ahead.

Mr. David Kong: I can start any time?

The Chair (Mr. Ernie Hardeman): Introduce yourself first.

Mr. David Kong: Okay. Thank you. Good afternoon, Chair, honourable members of the committee. I'm appearing on behalf of the TCCT, Toronto Chinese Catholic Task Force. This is a Catholic ministry, serving Chinese Catholics in the GTA area. I'm honoured to be given this opportunity to present our understanding of TCCT's responses to Bill 13 and to make a few suggestions to the committee—

The Acting Chair (Mrs. Jane McKenna): Excuse me, could you just say your name?

Mr. David Kong: Okay. My name is David Kong.

The Acting Chair (Mrs. Jane McKenna): Thank you.

Mr. David Kong: I'm delighted to be given this opportunity to present our understanding of TCCT's responses to Bill 13 and to make a few suggestions to the committee concerning the bill.

(1) Mandatory gay-straight alliance clubs: The purpose of the bill, to help "all students should feel safe at school and deserve a positive school climate that is inclusive and accepting, regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability," is understandable.

However, section 9, "Board support for certain pupil activities and organizations," gives emphasis to identify four student organizations; namely, they are to promote gender equity and anti-racism; gay-straight alliances; and raise awareness for people with disabilities. These four specific groups will certainly receive board-endorsed special status. But why do some activities or organiza-

tions receive board support and not others? This section can be interpreted as, "All men are equal, but some are more equal than others." It also violates the purpose of the bill, and it lacks sensitivity of faith-based schools that cannot host gay-straight alliances.

This is our suggestion number 1: School boards are encouraged to provide and promote opportunities to form their anti-bullying clubs reflect schools' and communities' beliefs and cultures in schools.

(2) Unexpected consequences: Bill 13 places on "incidents based on homophobia" without defining the term "homophobia"—see the preamble and sections 4 and 7. And who sets the standard and measures of homophobia? No one. Further, Bill 13 seeks to institute tougher penalties for bullies, including expulsion. As a result, the bill could cause the self-identified gay students to become "untouchable," since most reasonable students may try to avoid being captured by the vague language "homophobia."

It does not mean that bullying students on any basis should be permitted. No, this is not our intention. But take the character of today's students into consideration. The ambiguous language has been harshly criticized.

This is our suggestion number 2: Remove the ambiguous language "homophobia" in Bill 13 that may capture behaviours that are not bullying behaviours.

(3) Expected consequences: The purpose of the bill is laudable. The approach adopted lacks sensitivity and a consideration of the proper application of the Canadian Charter of Rights and Freedoms. This bill, Bill 13, sets a new, lower standard for respect of Ontario citizens' constitutional rights to religious and associational freedoms and parental authority—it's on the other side of the page. Bill 13, if passed without the necessary amendments—we share the opinions of others that it will ensure years of costly, taxpayer-funded litigation as parents and schools fight to reclaim their rights.

This is our suggestion number 3: Make necessary amendments, as a piece of legislation should, but not a political statement about gay rights.

On the presentation page, you can see what I talked about in Bill 13. Now I'm talking about what are the litigations, what are the rights, what are the acts our group may reply to. In Bill 13, most of the people, including our group, can see Bill 13 is an anti-bullying bill, but not only. It's a promoting of some of the lifestyles we may not agree with. We embrace people from all walks of life, but we may not agree with the other party's life.

Also, we need only one bill, one act. This must be an anti-bullying bill only. We'd like to have all the MPPs, all the members, pass Bill 14 without any delay, because in Bill 14 we can see it tells how, why and what to embrace. We have to tolerate the other party's behaviour, but it doesn't mean we have to agree with them.

Also, in metro Toronto, in the greater Toronto area, people are coming from all walks of life. This is why in Bill 14 we just push the anti-bullying bill to all people from all walks of life without emphasizing any specific

group, just like what I tell you we understand in Bill 13. So Bill 13 highlights some of the specific groups, but not all. This is why we oppose it.

Bill 13 is a bill emphasizing people that are equal, but some people are more equal than others. This is not acceptable in our Canadian culture.

1620

Also, the impression that Bill 13 gives us is that this is not an anti-bullying bill only. This is more or less a political statement compared to the other bills, like Bill 14. In Bill 13, we don't see that everyone is equal, but in Bill 14 we could see that because it doesn't emphasize any specific interest group. It just says "all," "anyone."

Also, Bill 13 emphasizes specific kinds of discrimination, but in our statistics I believe you can see that discrimination factors would be your race, your physical image. For example, when you walk out of a convenience store, you see a measuring tape on the side that tells your height. That means when a convenience store is being robbed, the policeman will ask, "What is the robber's race? What is their physical image?" A policeman won't ask, "What is their sexual orientation?" This is why we could conclude that your physical image, your race would be at the top of the list of discrimination factors. In Bill 13, they are intentionally ignoring these two, but promote—discrimination of the other one, just like sexual orientation, but this may not be acceptable to most Ontario citizens.

This is why I'm here to challenge our Ontario Liberal government. If their MPPs vote freely and don't go with the party line, I believe that Bill 13 won't pass, but Bill 14 will get passed because Bill 14 is fair to all people.

Also, another concern from our group would be that they've never heard about any consultations from the MPPs about Bill 13. I could not tell why—because in our group, people are from all over Toronto.

So for the time being, I believe the Liberal government should give a pause to Bill 13.

That is my presentation today.

The Chair (Mr. Ernie Hardeman): We have about a minute and a half left, but we'll leave it at that. We thank you very much for your presentation, and we look forward to the deliberations. I'm sure that the committee will take your presentation into consideration as we deliberate in the future.

Mr. Bob Delaney: Chair, I think we'll take the minute and a half.

The Chair (Mr. Ernie Hardeman): I think it's already gone. You'll have to wait till the next time.

Mr. Bob Delaney: No, we're not running behind time. Chair, I think we'll take the opportunity for the minute and a half.

The Chair (Mr. Ernie Hardeman): If you'd like the minute and a half, go for it.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair. Just very quickly, my understanding is that most members in the House would like to see a combination of Bill 13 and Bill 14 go through—that sort of accommodates. I appreciate some of the things you've been saying about how

the purpose of the bill and section 9—there are some wording differences there. Those people I've talked to have said that the wording in section 9 was intended to include all those that were included in the purpose, as well. So I appreciate your concern in that regard.

We talk about the sensitivity of faith-based schools, and I'm wondering: What should a gay student, for example, who is being bullied in a faith-based school do? The reason we're here today—and I think there's some agreement amongst the parties—is that some kids have felt they've been treated pretty badly at school. Some kids have even gone to the extreme of taking their own lives as a result of it.

Mr. David Kong: You mean a student from Ottawa?

Mr. Kevin Daniel Flynn: Yes, from Ottawa and others.

Mr. David Kong: Okay.

Mr. Kevin Daniel Flynn: What should a student who is gay in a faith-based school do if they're being bullied?

Mr. David Kong: As far as I understand—

Ms. Lisa MacLeod: Point of order, Chair: The incident from Ottawa wasn't at a faith-based school. It was at a public school. I just want to be very clear with my colleagues.

The Chair (Mr. Ernie Hardeman): That's not a point of order, but—

Mr. Kevin Daniel Flynn: I don't think I was saying that. I was saying students around the province of Ontario have gone that far, unfortunately.

Mr. David Kong: Okay, maybe I can give a little bit of a statement on this—

The Chair (Mr. Ernie Hardeman): I thank you very much for your presentation. The minute and a half was used by the member. We'll end it there, so thank you very much for your presentation.

Mr. David Kong: Okay. Thank you.

MARKHAM VOICE

The Chair (Mr. Ernie Hardeman): The next presentation is from Markham Voice: Jim Kwan, host. Thank you very much for coming in to make your presentation today. As with the previous delegations, you will have a 15-minute time slot for making your presentation. If there's sufficient time at the end of the presentation, we will let the committee have some questions. With that, we turn the floor over to you. As I said, the clerk will deliver the information that you just gave him so all the members will have that. The floor is yours.

Mr. Jim Kwan: Good afternoon, everybody. Good afternoon, Mr. Chair and the members of the committee. My name is Jim Kwan, the host of Markham Voice.

Markham Voice publishes a weekly article in one of the major Chinese newspapers in the GTA. We also have a markhamvoice.com, a Markham Voice Facebook and QQ/Markham Voice. So we have lots of audience from media.

Regarding Bill 13, Markham Voice—we raised the concern and asked our audience what they think. Basic-

ally, Markham Voice supports the principle of anti-bullying and respecting gay rights and the gay community. Anti-bullying policies should be in full force through education and respect. All school boards should, in their best interests and abilities, provide a safe and warm environment to all students. That's the fact.

However, anti-bullying and promoting gay sex education and lifestyle, the Gay Pride parade, GPP, and gay-straight alliances, GSA, are separate issues. It should be dealt with in a separate manner. Bill 13 should not be rushed into law before full public consultation or even a referendum.

My conclusion here is, Bill 13 should be amended according to the actual need of protecting all students from bullying through education and respect for each other, not by forcing gay education and lifestyle to all students through gay-straight alliance, GSA, groups and the Gay Pride parade, GPP. We respect all gay people, but gay education, lifestyles and activities are not for all students or parents or religious groups. Therefore, their rights should be respected as well. The Ontario government should not implement an unfair law to students, schools and school boards. It should be an optional choice for students, schools or school boards on promoting gay education, lifestyle, GPP or GSA.

That's the opinion we have from the public. It should be amended accordingly. Thank you very much for your valuable time. That's my comment today. It's very short but right to the point.

The Chair (Mr. Ernie Hardeman): Thank you very much for your time.

Mr. Jim Kwan: Thank you very much.

The Chair (Mr. Ernie Hardeman): We do have about 12 minutes left on the presentation, so we will start with the official opposition. We will have four minutes for each caucus for questions.

Mr. Jim Kwan: Any questions?

Ms. Lisa MacLeod: Well, Jim, I just simply want to say thanks for coming. As all of the presenters who are here today and who will be here for the next few weeks, this is important work that we're doing in the committee. There are bound to be disagreements among people who are appearing before committee. But I want to say this to everybody who will appear or who has appeared: It takes tremendous courage to put your name on the line and speak to a number of people who do this for a living, day to day. So I just want to thank you, the others who appeared before you, and those who will appear before this committee in the days and weeks ahead.

1630

Again, just to reiterate, there will be times when not all of us will agree, but the good thing about democracy is that we have the ability to air that, and this is what is being displayed here today. So again, I just want to congratulate you.

I know my colleagues will have some questions. I hope they'll be easy on the public, as I will be, because there's nothing greater than actually being allowed to talk to people who have their views and coming right before that table that you're at, so thanks.

Mr. Jim Kwan: Thank you.

The Chair (Mr. Ernie Hardeman): The third party?

Mr. Peter Tabuns: Yes, thank you, Chair. Thank you very much for coming in and presenting today.

Mr. Jim Kwan: You're quite welcome.

Mr. Peter Tabuns: I have a few questions, because the themes that you've put forward are similar to those that have been put forward by others earlier today. I've gone through Bill 13, and I don't see a sex education component in the bill. Could you tell me where that is?

Mr. Jim Kwan: If there's a GSA in the school, of course they will discuss and talk about it. In the bill, they specify that there are nine sexual orientations of gay activities, so obviously there will be a discussion in the school environment. But it is not accepted by all students or all parents or school boards, so to be a fair law for all communities and for all students, we should consider an amendment to make a change to make it suitable to everybody, without any arguments. That's what I think we should do.

Mr. Peter Tabuns: So that I'm clear, then, the fact that "gay-straight alliance" is mentioned in there, and "LGBT" is in there—this is the sex education component that you refer to?

Mr. Jim Kwan: Well, there's sex education stuff in grade 4, I believe.

Mr. Peter Tabuns: Right, but in this bill—where in this bill do you see that?

Mr. Jim Kwan: Well, no, it does not specify, in this, sex education.

Mr. Peter Tabuns: I'm not trying to be tricky, but a lot of people have been saying this, and I read the bill through and I can't find it. If I'm missing something, I appreciate it.

When you talk about sex education in the bill, you're talking about the use of the terms "gay-straight alliance" and "LGBTQ" in the preamble?

Mr. Jim Kwan: That's correct, yes.

Mr. Peter Tabuns: Okay. I have some difficulty with the argument you make around privilege, because I've heard similar arguments around the Human Rights Commission that we shouldn't have protection for ethnic minorities or racialized minorities because—why should they have any privilege over the majority, or the mainstream?

Mr. Jim Kwan: Actually, it's not a privilege that we're talking about; it's the right of parents or school boards, or their choice—they don't have it. Once a law is a law, everybody has to follow it. It doesn't matter who you are or what religion you're in; you've got to follow it. That may upset lots of people, as a matter of fact. As other members of the public brought forward, there were some surveys, some petitions; you can clearly see lots of objections to the bill.

Mr. Peter Tabuns: No, I know that, but I've gone door to door in my riding, which you may know; I represent east Chinatown. I go door to door and I have occasionally had long-term Anglo-Saxons yell at me for the obvious privilege the Chinese community is getting with

the way that they market food on the sidewalk. I argue with them. I say, "This is traditional. No one is harmed." But it offends them. I know that many people will assume that "if it's right for me, that's the standard or mode of behaviour everyone else has to follow."

Mr. Jim Kwan: It's the freedom of choice and freedom of religion and freedom of belief, and I think we are stepping over their toes, I believe.

The Chair (Mr. Ernie Hardeman): Thank you very much. That's all the time there. We go to the government side. Mr. Delaney?

Mr. Bob Delaney: Sir, have you read Bill 13?

Mr. Jim Kwan: Yes.

Mr. Bob Delaney: Okay. I'm just going to pass you a copy of it that you may wish to use to refer to.

Mr. Jim Kwan: All right.

Mr. Bob Delaney: I want to pick up some of Mr. Tabuns's questions. In your handout, you say, "anti-bullying and promoting gay sex education and lifestyle, gay pride parade" etc. Please tell me what section of the bill you find that in.

Mr. Jim Kwan: If you permitted the sex education of a gay lifestyle in the environment—so if people request a GSA, you have to let them have a GSA. That's directly or indirectly promoting the gay lifestyle.

Mr. Bob Delaney: So in other words, if a group of students in a school ask the school principal, "Can we use a room in the school to discuss lifestyle issues which may include homosexuality?" the school principal should say no.

Mr. Jim Kwan: We should have a choice. Some students can do it, but if you have a law, all schools, all students have to accept that kind of environment.

Mr. Bob Delaney: So in other words, if students ask for it, the school should say yes, right?

Mr. Jim Kwan: It depends on what school, I believe. They should have a choice. We should have a school—like, if people want gay education for gay lifestyles, we should have a special school for that.

Mr. Bob Delaney: Oh, so there should be special schools for students—

Mr. Jim Kwan: No. You let the choice of the people, of the school board, the school or parents, determine if they should have that kind of information for their students, for their kids.

Mr. Bob Delaney: I'm trying to understand what it is you're advocating here. If a group of students in a school say, "We would like to be able to get together and to discuss, on the school premises, our sexual orientation or our curiosity with the issues, or our issues," you're saying that the school—

Mr. Jim Kwan: You're talking about the rule for all students in Ontario. That may not be suitable to make it as a law. We should make it as optional for any school, if they have a choice or the parents have a choice. That's what I'm talking about.

Mr. Bob Delaney: So would you please answer the question I've asked you? If the students ask for it, should the school provide it? Yes or no?

Mr. Jim Kwan: No. It depends on what school. If it's a Jewish or Catholic school or any religion school, if it's against their religion, no; or against the parents' choice, no.

Mr. Bob Delaney: That's all I wanted to know. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for that and thank you very much for your presentation. That concludes your time.

Mr. Jim Kwan: Thank you.

The Chair (Mr. Ernie Hardeman): The next delegation is Evangelical Association: Rondo Thomas, executive director. Rondo Thomas, the Evangelical Association? Rondo Thomas, executive director? He's not here?

MS. JOCELYN KO

The Chair (Mr. Ernie Hardeman): Is Jocelyn Ko here? Okay. You are the next presentation. It seems that the one for 4:30 is not here, so if you wish to come forward and make your presentation now, it will shorten the day for all of us.

Ms. Cheri DiNovo: We're running a bit early. The next one is 4:45, so they may arrive still.

The Chair (Mr. Ernie Hardeman): That was 4:45, okay. We will provide the opportunity for the other one to come back, if they are not here. But you go ahead and make your presentation.

Mr. Kevin Daniel Flynn: Mr. Chair, just so we're on the same page, our delegations stopped at 4:45.

The Chair (Mr. Ernie Hardeman): Yes. There has been one added since then.

Mr. Kevin Daniel Flynn: One?

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Kevin Daniel Flynn: Okay. Thank you.

The Chair (Mr. Ernie Hardeman): The present delegation was not on the list. The calls were still coming in as the agenda was prepared. So this was one that could come in before, and so—

Interjections.

The Chair (Mr. Ernie Hardeman): Okay, we'll proceed with this one and we'll start with yours next, if you don't mind, sir.

Interjection.

The Chair (Mr. Ernie Hardeman): Yes. The presentation is yours. Again, as I said with the other ones, you will have 15 minutes to make a presentation. If you have not used all your time, we will allow the members of the committee to ask questions. If you'd rather not answer questions, make sure your presentation directs you that way, but we give you the floor and we thank you very much for your participation.

Ms. Jocelyn Ko: Thank you.

Ladies and gentlemen, this is my first time speaking to so many people in front of me, so I'm quite nervous. I would like you all to listen very carefully as I read to you a 17-year-old boy's account of his lifelong struggle with bullying in school.

1640

"Throughout my junior school years, I could only remember how I was abused in all sorts of ways. I was the youngest and the smallest kid in my class. Since junior kindergarten, I was called many names, like 'pig face' and 'ching-ching.' I was deliberately pushed and bumped by classmates. Even the vice-principal made light of all the complaints that were reported. Sometimes my mother came out of the office crying, because the staff did nothing to help me.

"During the six years of my junior school life, during recesses, lunches and after school, I faced much of the bullying, where one big tough boy would lead a group of other boys. Even girls would take advantage of my inability to defend myself.

"I remember how one tall boy picked me up by my head, with his hands on each side of my head. I remember how students would throw tennis balls, basketballs and all sorts of other things, including pencil shreds, at me. Once, I suddenly woke up on the ground with everybody looking down at me. One teacher, who thought I was being silly, pulled me up by my hair, off the pavement, saying, 'Get up now.' And everybody would laugh and giggle. I was rushed to the hospital later by my mother, because I had a serious concussion. I was badly hurt this time. It even affected my eyesight and memory for some time.

"You would think the bullying would stop at this point. On the contrary, I constantly faced bullying even as I attended junior high school, and it was not only physical. Almost every day, when I went to my locker and opened it, I found it stacked. It means all books on top of the shelf would collapse to the bottom. Once, in grade 8, I came to my locker only to find that someone not only stacked my locker but yanked the metal door open. Things were stolen. Chlorine that was taken from the caretaker's room was poured all over. All my books and clothes were destroyed. I was often late for class after cleaning up the mess in my locker. Once, I was collecting books from the locker, and all of a sudden, a student shoved me into my locker and attempted to lock me in there.

"I had pretty much given up reporting it to the teachers and the office, because no action would be taken, and it only aggravated the bully even more. As a result, I would only be able to tell my mother. She reports it to the principal, only to be told to calm down. The principal would remind me to come to the office first to report any problem and not to go to my mother. Teachers would say, 'Ignore them. They will go away eventually.'

"One student, who had become popular with the crowd, grabbed me and tackled me, trying to throw me off the staircase over the stairwell. It was half a storey high. The crowd gathered around in a circle on the platform, since there were no teachers around, and every student was cheering her on. Where were my friends, you may ask? They were either too scared to stand up for me or were cheering her on as well.

"I thought of killing myself many times.

"My brother faced a different kind of bullying from time to time. He was told by his teacher during the class discussion that he was not considered a Canadian, even though he was born in Canada.

"Would not all of this that I am telling you bother you at all? Would it not concern you at all that children face this kind of bullying in school? Many others like me have already committed suicide or face lifelong struggles from the trauma. I'm glad I didn't. I had put my trust in God, who I know sustained me all these years.

"I'm telling you all of this to let you know that bullying is wrong and that it is very real."

This speech was given by a 17-year-old teenager in 1993. He was a victim of bullying. I was the victim's mother. Though my children went through much turmoil during the school years, thank God that today they've both become decent, responsible, loyal Canadians.

We love Canada; we hate bullying. That is why we should support Bill 14. I totally disagree with Bill 13. I hope it will never be brought up again. Bill 13 violates the Canadian Charter of Rights and Freedoms. Every Canadian has the freedom of speech, the freedom of religion, the freedom of conscience and the freedom of belief. This is the most beautiful part of Canada. But Bill 13 will force people to accept personal preferences and beliefs by passing a law for every student in Ontario—to study it and to even promote it. The youngest children will be force-fed subjects that they are not even ready to learn. To them, it's not sex education. Call it what you want, but it's downright brainwashing.

According to a national survey, homosexual people are nowhere near the main group of people being bullied. What students need to be taught to eliminate bullying is morals and love, not gender differences and sexual knowledge. I strongly believe that Bill 13 will create more problems in the school by encouraging students to segregate based on gay-lesbian groups and encouraging gangs to form. Instead of anti-bullying—it may promote an unsafe school environment for all students.

I believe Bill 13 will endanger children, who, at such an innocent age, will fall victim to sexual predators. Since we are already dealing with child pornography, child abuse and human trafficking of young children even in our society, we don't need another law that will reinforce the problem.

Lenin once said, "Give me four years to teach the children and the seed I have sown will never be uprooted."

Hitler said, "Give me your children today, and I will give you the world tomorrow."

The promotion of the LGBTQ agenda is no different.

I beg you, do not let them take our parents' rights from us. Our American neighbours have the First Amendment that protects people from the government's ability to pass any laws that will prohibit or infringe upon freedom of religion, speech, assembly, press or petition. Since when has Canada, the land of "the True North strong and free" and the land which God keeps "glorious and free," become a communist country?

I urge you: Please sing O Canada with me now.

O Canada, our home and native land!
True patriot love in all thy sons command.

With glowing hearts we see thee rise,
The True North strong and free!

From far and wide,
O Canada, we stand on guard for thee.

God keep our land glorious and free!
O Canada, we stand on guard for thee.

O Canada, we stand on guard for thee.

I haven't finished yet. My kid, this bullied kid, told me: "Mom, I have forgiven every one of them. I don't remember anymore. But please tell them I hate bullying."

Thank you very much.

1650

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. I do want to point out that my not getting up had nothing to do with not being patriotic, but I am restricted in participating. Thank you very much for your presentation, and—

Ms. Lisa MacLeod: Point of order, Speaker: Even though my beloved Sens did not make it to another round in the playoffs, I just want it known that I would have said, "Go, Sens, go," had they still been in the playoffs after that.

The Chair (Mr. Ernie Hardeman): I do appreciate that. I do appreciate the singing of the national anthem and everyone standing for it. We thank you for your presentation.

EVANGELICAL ASSOCIATION

The Chair (Mr. Ernie Hardeman): The next one is the presentation we went by before. We have the Evangelical Association: Rondo Thomas, executive director. Sir, sorry, we were just slightly ahead of schedule because some of the parties didn't take up all their time on the previous presenter and we went by yours before I realized that the time had not yet arrived, so we will now hear your presentation.

Thank you very much for being here. We also want to point out that you have 15 minutes to make your presentation. If time is allowed at the end, we will divide it equally among the parties, unless it's such that it can't be divided appropriately, and then we will have it open with the New Democratic Party, who will have the first shot at the amount of time that's left. With that, the floor is yours.

Mr. Rondo Thomas: Thank you, Mr. Chairman. I'd like to thank the entire committee for taking the time to be here to hear these positions today and throughout the week. This is not easy. I know what it's like to have to sit in these committee meetings for many hours and I appreciate it so very much. Mr. Malcolm is sitting at my left. He was intended to be on the docket sometime this morning, and it didn't work out that way, so I've agreed

that I would try to share a little bit of my time with him, if that pleases the Chair and the committee.

In the meantime, I'd just like to say how much I appreciate the whole idea of bringing forward legislation that prohibits bullying. Certainly, I want to speak today specifically to Bill 13.

As the executive director of the Evangelical Association, I represent over 600 pastors and their congregations in Ontario. As members of the citizens of the province of Ontario, we support the anti-bullying bill. Bullying in any form should not be tolerated in this country.

Each of these congregations has been watching this bill proceed with keen interest. Many of these congregations rent space in public schools for their Sunday worship services and other community activities.

Bill 13 in its present form is heavily slanted in favour of one interest group and serves as a Trojan horse to promote their agenda and has nothing to do with bullying. Surely we can disagree on points of view without being disagreeable by bullying, through legislation, those who have a different view from us.

If Bill 13 passes in its present form, it serves as a sledgehammer to force one view over another. It would require churches to compromise the teaching of the Bible, teaching that has been in place for 2,000 years. To suppose that the church could change the words of the Bible simply is not in the power of man to do. To impose the current wording of Bill 13 places those congregations in an untenable position. The bill in its present form is bullying the churches and other religious groups of this province who use the public schools for very worthy community projects. If we are to acknowledge the common law of separation of church and state, legislation that reflects such separation ought to be put forward.

Since most people who suffer from bullying are not a part of the LGBTQ community, there should not be a portion of this bill to promote their agenda or view. We find it disturbing that our Premier would embrace this position of the bill and, to add insult to injury, embrace the project put forward by Dan Savage to support this bill. Mr. Savage sees fit to bully Christians and blaspheme the Bible to promote his version of anti-bullying.

We request that the portion of this bill that give special status to any special interest group be removed from the bill. Then we would have a bill that would be acceptable to the people that I represent.

Thank you very much for your time, and thank you very much for hearing our position. I certainly would be happy to take questions.

The Chair (Mr. Ernie Hardeman): We have about 10 minutes left so we will divide it up, three minutes per party. We will start with the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Mr. Chair. I'm a United Church minister—my other job—and I also consider myself an evangelist as well, in the meaning of the Bible. You will appreciate, as a United Church member—it's still the largest Protestant denomination in Canada—that we hold very different views of what the Bible says, perhaps, than yourself, sir. So I just wanted to start by stating that.

I also wanted to refer back to the lady, that I know you heard, who described the plight of a victim of bullying. In my pastoral experience, I have heard very similar stories from parents of LGBT students. My question really is: If your child were to be gay—at least 64% of gay students experience bullying; they have the highest rate of suicide—how would you suggest that they deal with that within the context of the school? Again, Bill 13 names a number of different groups, not just this group. But if your child were gay, would you allow them to start a group that would support them in their exploration?

Mr. Rondo Thomas: I believe that there's already legislation to protect them in this case, and I think that legislation that's already in place certainly ought to be implemented. I would vote for that 100%. But I do not think that the bill ought to be segregating out different groups for specific treatment. If you're going to do that, it means that you're going to have to have organizations and groups and programs in the schools that wouldn't leave any room and time for academics.

If it were my child—I'd like it to be on the record that my baby sister, who's not all that young now, is a lesbian married to a lesbian. I love her with all my heart, and if she called me today to give her help in any way, I would be there in a minute. I don't agree with her lifestyle, but I love her with all my heart, so I would want her to be treated fairly, like everybody else. I agree that they ought to be treated fairly. They shouldn't be bullied and there ought to be legislation to protect them, but also to protect everyone else. I don't think they should be separated out.

Ms. Cheri DiNovo: Sir, I would suggest, just check the bill out because, really, that's what it does.

I agree that we are looking at two bills here, Bill 14 and Bill 13. Bill 14 has some great strengths, so what this committee has been challenged to do is to combine those. What I would suggest you and your organization do is, if there is a specific amendment to Bill 13, please put that forward, because in my reading the bill, it does not favour one group over another.

Mr. Rondo Thomas: I would be speaking specifically to the idea of having gay-lesbian clubs in every school in the province. They don't have Christian clubs in every school in the province, and they don't have Muslim clubs in every school in the province. So I don't think it's appropriate to sort out one group over another.

Ms. Cheri DiNovo: There is nothing in Bill 13 that says that there should be gay-straight alliances in every school in the province; not one word that indicates that.

What it does, and what we hope to do, what I hope to do, is to give children—they're children, after all—the ability to basically protect themselves and to build support for themselves, whoever they may be, however they may be bullied. And it's not during school; it's after school. But I thank you very much for your presentation.

The Chair (Mr. Ernie Hardeman): Thank you very much. The government side. Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. Ms. DiNovo has quite admirably covered the ground that we intended to ask on. I'd like to thank the deputant for his time in having come in to present his opinions today.

Mr. Rondo Thomas: I wonder, Mr. Chairman, would it be appropriate for me to ask if Mr. Malcolm could have a moment to speak at this time and take my time?

The Chair (Mr. Ernie Hardeman): Yes, that would be fine. Thank you for your presentation.

MR. EKRON MALCOLM

The Chair (Mr. Ernie Hardeman): We do have a few minutes left to make a presentation, if Mr. Malcolm would like to speak.

Mr. Ekron Malcolm: Thank you, Mr. Chair. Again, my name is Ekron Malcolm, Institute for Canadian Values.

First of all, thank you for the opportunity to be able to give and speak freely about the legislation, Bill 13, and to thank you in advance for allowing me to share my heart and the heart of so many parents and families who hold the same views and opinions as I do toward this proposed legislation, Bill 13.

In reading this legislation, I feel that this legislation is meant to create fear and intimidation and to make me, as I felt it, a lesser citizen.

As I read this legislation, I feel that it is hostile as well towards parents. This legislation wants to be able to take away the rights of parents to govern their children, and I would ask, in that case, what kind of society are you trying to create?

I feel this is a form, really—and I've thought about this—to me, as I came to it, it's really a form of slavery. What I mean by that is, yes, it's to bind our minds to engage in what we do not want and what we do not believe is appropriate for us, and to take away our traditional values.

1700

I quote from paragraph 29.1 of subsection 8: "Require boards to develop and implement an equity and inclusive education policy, and, if required by the minister, submit the policy to the minister and implement changes to the policy as directed by the minister."

I think you see me here, and you can see that I'm of a different ethnic background. I went to school in Canada, in Toronto. I don't think I have to tell you whether or not I was bullied. However, in this same understanding and with that same heart, I understand that we do need an anti-bullying bill, but one that is strictly anti-bullying towards those specifics only, as opposed to singling out any particular group.

Because of this equity and inclusive policy, which you all probably have a copy of here, "Teachers are obligated to address all equity issues." This is great. "Any omissions that maintain a non-inclusive curriculum and pedagogy are considered to foster a poisoned environment." I have a problem with this.

"The TDSB Equity Foundation Statement and Commitments to Equity Policy Implementation states that each school has a responsibility to education that reflects the diversity of its students and their life experiences. Singling out one group or topic area as too controversial, and depending upon parent/guardian/caregiver discre-

tion"—this is nice wording, but look at what it says—"shifts this responsibility from the school to the parents/guardians/caregivers and fosters a poisoned environment contrary to" the TDSB.

"Can a parent have their child accommodated out of human rights education"—LGBTQ—"based on religious grounds?" You say, "No."

"Should schools send notes or permission slips home before starting any classroom work on LGBTQ"—lesbian, gay, bisexual, transsexual, two-spirited, queer—"issues?" You say, "No."

"Can teachers seek accommodation from teaching materials that may contradict their religious beliefs?" You say, "No."

Would you teach your children six genders and gender identity? Have you taught your children six genders and gender identity, and they can choose whatever gender they wish, apart from what they were born with? Now you're putting it under the guise of bullying and using legislative power to enforce your opinion and your desires and ideas upon my family values, against my family values. Do I not have the right to teach my family values, my black family values? Are you saying that my black family values are fostering a poisoned environment?

I quote the preamble: "...believe that students need to be equipped with the knowledge, skills, attitude and values to engage the world and others critically, which means developing a critical consciousness that allows them to take action on making their schools and communities more equitable and inclusive for all people, including LGBTTIQ." Another two genders just got added.

I feel that the Legislature is trying to make me second-class by this bill, that you are forcing your plans and your desires upon me and my family.

Now, I would say this with respect, but how dare you try to force children to subscribe to this explicit and sexual material? How dare you try to take away my heritage, my right to live and believe what is right for me and my children and my children's children?

I am not a second-class citizen, and I will not bow to this legislation. I would say, then, to every parent whom I know would die for their children and die for the rights of their children to live, and their grandchildren's future, not to allow this legislation but to rise up against it.

I appeal to you legislators to protect children—to protect all children, because I believe that black children are important too. And I would say, then: Is there an assumption being made here that my family values and the teaching of the Bible are fostering a poisoned environment? I appeal to you one more time: Protect children. Yes, protect all children. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the presentation.

It also concludes this meeting. We will adjourn until 4 p.m., Tuesday, May 8, 2012, to continue these hearings on Bills 13 and 14.

The committee adjourned at 1706.

STANDING COMMITTEE ON SOCIAL POLICY

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CONTENTS

Monday 7 May 2012

Subcommittee report	SP-27
Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten; Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-27
Institute for Canadian Values.....	SP-27
Mr. Charles McVety	
Rabbi Mendel Kaplan	
Jubilee Centre for Christian Social Action.....	SP-29
Rev. Dominic Tse	
Concerned Catholic Parents of Ontario.....	SP-31
Mrs. Kim Galvao	
Markham Chinese Parent Fellowship	SP-33
Mr. Allan Tam	
Ms. Anita Fung	
Ms. Mirtha Coronel; Ms. Amina Jama.....	SP-35
Ms. Marion Karasiuk	SP-37
Alliance for Family Values	SP-39
Mr. Peter Chen	
Mr. Kenny Tsui	
Ms. Jenny Kwan	
Mr. Samuel Chan	
Mr. Kam Wai Pang	SP-41
Canadian Hindu Advocacy	SP-42
Mr. Ron Banerjee	
Toronto Chinese Catholic Task Force.....	SP-44
Mr. David Kong	
Markham Voice.....	SP-46
Mr. Jim Kwan	
Ms. Jocelyn Ko	SP-48
Evangelical Association.....	SP-49
Mr. Rondo Thomas	
Mr. Ekron Malcolm.....	SP-51

20N
C14
-578



SP-6

SP-6

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Assemblée législative de l'Ontario

Première session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 8 May 2012



Journal des débats (Hansard)

Mardi 8 mai 2012

Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

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des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 8 May 2012

Mardi 8 mai 2012

The committee met at 1605 in committee room 1.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): We'll call the meeting to order, the May 8 committee meeting of the social policy committee. We're having hearings on Bill 13 and Bill 14. This is our second day of having public hearings.

MS. LINDA BEAUDOIN

The Chair (Mr. Ernie Hardeman): Our first delegation is Linda Beaudoin. I believe she's already at the microphone, ready to go here.

Ms. Linda Beaudoin: Yes. Hello.

The Chair (Mr. Ernie Hardeman): Thank you very much for being here. We would ask you, first of all, to identify yourself as you start your presentation. You will be allotted 15 minutes to make your presentation. At the end of the presentation, if there's sufficient time, we will have questions from the committee. If there's sufficient time to divide it into three parties, we'll do that; if not, we will let one party have the questions, and then we'll rotate that through the delegations.

With that, we turn the floor over to you. Again, thank you for coming.

Ms. Lisa MacLeod: On a point of order first: Chair, we have a binder here. Is this from the committee?

The Chair (Mr. Ernie Hardeman): Yes.

The Clerk of the Committee (Mr. Katch Koch): It's from the ministry.

Ms. Lisa MacLeod: It's from the ministry. Okay. I was just wondering why Bill 14 wasn't included in it. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. The floor is yours.

Ms. Linda Beaudoin: Thank you for giving me this opportunity. My name is Linda Beaudoin. I'm an advocate for children's rights, and facilitate survivors of child abuse.

I am the founder of the websites survivorsspeakout.com, healtofeel.com and survivorsinsolidarity.com.

Survivorsspeakout.com is a website with members who advocate for children's and victims' rights. Members are survivors of child abuse and supporters. Some members have organizations and foundations, or volunteer their time to speak out on behalf of children's rights.

I am here today because I oppose Bill 13.

I will share my own experience regarding bullying. Bullying is not just about whether you are in a minority group, gender or race; there are many factors that lead to bullying. There is a need to educate on the topic of abuse, what abuse is. There are many types of abuse: verbal abuse, physical abuse, sexual abuse, emotional abuse, mental abuse, spiritual abuse, threats and harassment. The list is long. Bullying is a type of abuse. There are possibilities that the child that is the aggressor—the bully—may be in an abusive environment. We need to get to the root of the problem and educate on the topic of abuse.

I, being a survivor of incest, child abuse, domestic violence, rape and bullying, can say I have first-hand knowledge of what abuse is. We as a society need to all be involved in preventing abuse and put a stop to aggression.

There is never any excuse for abuse, yet when it occurs there are many factors. Children are very susceptible to their environment. That is a reason why we must not impose agendas that are inappropriate for them, such as the curriculum in Bill 13. To introduce children to the LGBT agenda at young ages and grades and to have sex

clubs in schools is a violation of children's rights. Sex clubs in schools for children goes beyond what the government should be imposing on children, as all children must have a right to experience their childhood at their own pace. The government has no place to legislate a law such as Bill 13 that encourages imposing adult agendas on the child. It infringes on the rights of children to be children.

Children should not be indoctrinated into a program which promotes the LGBT agenda. Many laws are needed to protect children. The development of a child's sexuality should never be the government's mandate. Bill 13 denies the child's right to develop at the child's own pace.

My story is, when I was at high school, grade 9, at Sir Wilfrid Laurier in Ottawa, female students ganged up on me in the stairways of the school. They would threaten me and call me names. On my way home, I was thrown to the ground by one girl, and when she was on top of me, she spat in my face. I never told anyone; there was no one I could speak to. Why did this happen? Because she was angry. Her boyfriend would say hi to me. The reason here was jealousy.

There are many excuses used for bullying. Some are if you are unattractive, disfigured, overweight, small, shy, or challenged. The excuses are endless, yet there is never—no—excuse for abuse.

1610

When I was bullied at school, I dropped out of school. I did not have support or guidance. All these things in my life that led me to abuse throughout my life were because I was not aware I had rights and I was uneducated about what abuse was. I did not recognize it. We need to educate children of what abuse is. This is a big problem in our society. Developing a curriculum that explains what abuse is is vital in saving lives. It does not matter what reason someone is bullied for. We must educate what abuse is and that there is never an excuse for abuse. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have a few minutes for questioning. We'll start with the third party.

Mr. Peter Tabuns: Linda, thank you very much for being here today.

I think virtually every person who's come to us and spoken about this issue has spoken from the heart, spoken about an issue that's deeply emotionally charged. I'm concerned about your referring to a support group for kids who are oppressed because of their gender orientation as a sex club. I just urge you to rethink that, because I've dealt with a lot of high school students who give each other support for a variety of difficulties. I would say that it's far more accurate to characterize a GSA meeting, gay-straight alliance, as a place where kids who are facing common problems get together to try to solve them, much as children who are dealing with disabilities are, in this bill, urged to get together and talk about those problems. Can you tell me why you see it very differently?

Ms. Linda Beaudoin: Well, that means there should be a club in the school—because the core root of everything is abuse. Bullying is a form of abuse. That's what we should focus on, not if somebody—unless you want to have clubs for every single thing, a club for people with disabilities, to me—

Mr. Peter Tabuns: That's actually in the legislation.

Ms. Linda Beaudoin: Yes?

Mr. Peter Tabuns: Yes.

Ms. Linda Beaudoin: Okay. Well, I just think that we should focus, more so, on what abuse is. People need to be educated. Children need to know what abuse is, because without education, people will be revictimized and they will not know what abuse is. They won't recognize it. It needs to be taught in school what abuse is.

Mr. Peter Tabuns: I actually would agree with you. I think we do need to talk to kids about what abuse is and where they can go for help. We need to provide the help to them. I'm glad that's something that we're on the same wavelength on.

I just see that there are groups of kids—because I've talked to young South Asian kids who have been beaten up by non-South Asian kids because of the colour of their skin. I know gay kids who have been harassed really heavily not for any reason other than that they weren't overtly, sharply macho in the way they carried themselves. I would think that, given what you've had to say, you could see why that sort of approach needs to be supported, that we need to support children who are dismissed as a group, not just as individuals.

Ms. Linda Beaudoin: Yes. I think that there needs to be the focus on what abuse is, all the different types of abuse. Bullying is just one form of abuse.

Mr. Peter Tabuns: It is one form.

Ms. Linda Beaudoin: Yes.

Mr. Peter Tabuns: Okay. I have no further questions. Thank you, Linda.

The Chair (Mr. Ernie Hardeman): Thank you very much. We'll now go to the government side. Mr. Flynn.

Mr. Kevin Daniel Flynn: Thank you, Linda, for your presentation today. Some of the things you came forward with were things I don't think you'd get any argument from anybody around this table on. Where I kind of lose you a little bit, and I'd ask you to expand, is what we should do about it.

The intent of Bill 13 and Bill 14, I think, is to address a problem that we're seeing in our schools far too often. In your case, in your experience, it was because somebody was jealous and physically abused you. There are a number of other reasons that it's happening, and one of those reasons is because a young person may be lesbian or gay and perhaps they're from a different culture or perhaps they are not the right gender or perhaps they came from the wrong country.

It seems to me—you refer to something in here; you refer to the curriculum part of the legislation that's envisioned by Bill 13, and Bill 14 I think as well, and that somehow this leads to a change in the curriculum in the province of Ontario. I don't see that in the bill, and I was

wondering what part of the bill would make you think that—if you could point out what part of the bill makes you think that somehow this would lead to a change in what young people are taught about sex education, for example.

Ms. Linda Beaudoin: Was there not proposed clubs for LGBT, those clubs?

Mr. Kevin Daniel Flynn: I don't want to put words in your mouth or I don't want to change your understanding of this—well, actually, I do want to change your understanding of this. If a child is bullied, if a student is bullied, they can go to the principal and say, "I'm being bullied because of X, Y or Z," whatever it is. The principal, then, or the school community is obliged to support that student in perhaps setting up a meeting, setting up a club perhaps, to talk about whatever the difference is. Maybe they're being bullied because they are Christian or they are being bullied because they came from the West Indies or they are being bullied because they are gay.

What the school would do in that case—my understanding of the bill is that we get those students who are interested in maybe learning a little bit more about the person, about the other side, whatever the issue is, and I don't think there's any intent—my understanding is there's no intent to focus on any one particular issue. I think the intent is to get to the reason that's causing the bullying in the first place. You seem to think that somehow it takes it much further than that, and that's the part I don't understand.

Ms. Linda Beaudoin: No, that was my understanding of it.

Mr. Kevin Daniel Flynn: You can still correspond with the committee afterwards, after this is over, and if you could point that out to me, I'd be obliged.

Ms. Linda Beaudoin: Sure.

Mr. Kevin Daniel Flynn: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We'll now go to the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Linda. I speak, I think, with all of my colleagues of your courage to come here today, not only to speak to us but also tell us the horrific instances you had, not only of bullying but also of incest and that you're a survivor. For that, we appreciate that. It's never easy to come before a legislative committee and talk about legislation using the same types of words that an MPP might use, or a lawyer, and I congratulate you for coming here and sharing your views.

I'd just reiterate to everyone here that, you know, we're not all going to agree all the time, and it's important that people come here, regardless of their views, and share them. I just wanted to say thank you for coming, wish you well and see if you had any parting thoughts on what we might be able to do to improve the situation of bullying in our communities and in our schools.

Ms. Linda Beaudoin: Okay. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much, and that concludes it. We thank you very much for your presentation—

Ms. Linda Beaudoin: I just wanted to add, I have concerns about young children. Their minds are very fragile, and so we need to be cautious how we approach different things with children, you know.

The Chair (Mr. Ernie Hardeman): Thank you very much. I'm sure the committee will keep that in mind. Thank you for your presentation.

NETWORK OF FAMILIES' CONCERN

The Chair (Mr. Ernie Hardeman): Next is the Network of Families' Concern: Luvy Avila and Lynn Jackson.

As you are finding your seat there, thank you very much for joining us this afternoon to participate in these hearings. We very much appreciate that. We will have 15 minutes for your presentation. You can use any or all of that 15 minutes in your presentation. If there's sufficient time left at the end, as we did with the last delegation, we will allow the parties to ask some questions they may have about your presentation.

So thank you very much again, and the floor is yours.

Ms. Lynn Jackson: My name is Lynn Jackson, and I'm part of a large network of various ethnic communities and churches, faith groups across the city. I'm also a mother and I have two adopted grandchildren. I also thank the committee for your time and your attention. It's my belief that politicians must go into this job because they want to improve society, so thank you.

1620

Two days ago, I spoke with a friend who has identified herself as gay—a good friend—and she told me that she can talk with anyone about any issue as long as there is mutual respect. So I am hoping that these meetings are not just a formality. We really need to talk about these issues openly and honestly, because we do not understand the reasoning of the government in wanting to pass or amend such a controversial bill as this in the face of all the arguments against it and in light of the perfectly good, adequate and excellent anti-bullying Bill 14, which covers everyone.

We do not want to see gay students hurt or marginalized—I have seen my own daughter abused, hurt, and I know the pain of a parent seeing that happen—nor do I want other children to be hurt or marginalized. No one is better or more deserving than anyone else.

My friend, who I told you is gay, does not agree with Bill 13 because she understands that forcing people into situations that they don't agree with or don't feel comfortable with will not promote goodwill or understanding—rather, distrust, resentment and even hatred. For us, this is not about politics. This is about speaking to people, face to face, as parents and fellow citizens who care about Canada.

We've been speaking to politicians in all parties, and there are many secret concerns behind closed doors that

have been expressed. I spoke with Andrea Horwath myself during the last election, and she told me that she does not believe parents should be kept in the dark about these issues. But they have been kept in the dark. Most people do not know about the policy and the effect on curriculum. This is one of the reasons why we are opposed to Bill 13—because there have been many abuses to the way it has been implemented or the policy is being used.

Equity teams are now going school to school. I know of one school in North York where equity teams went and the staff was pressured into starting a gay-straight alliance before the bill has even passed. They were told that if a student volunteer does not come up, then the principal or vice-principal will be required to pick one. The school is intimidated to even be named. This is one example.

And yes, there is a link between curriculum and the bill. We have seen the TDSB and how they have implemented the equity and inclusive policy; how the government's equity and inclusive policy is being used to apparently support this curriculum, not allowing parents to remove their children from classes that promote LGBTTIQ lifestyles. Yet we can get notes home about Halloween.

The bill requires implementation of a policy, and the policy states: to "affirm experiences" related to sexual orientation. That policy is implemented through the learning environment—i.e., curriculum. Following this logic, how does the bill not influence curriculum?

Why is this curriculum so dangerous, and why are we opposed to the bill that supports it?

This is not the first time a Canadian government has overlooked parental rights or attempted to. In 1920, the Indian Act was amended to make attendance at government schools mandatory. First Nations parents could be jailed or fined if their children did not attend.

Traditional parents in Toronto schools are now being told they may not remove their children from equity classes regardless of culture or beliefs.

The forced assimilation and enculturation of First Nations children is often viewed with cold fury by First Nations leaders, who say their children were stripped of self-respect and taught to hate themselves by being told their cultural norms were invalid.

We are being called homophobes.

The residential schools continued until the 1960s. At the insistence of the First Nations leaders, Ottawa began returning children from the residential schools back to the reserves, only to find that parents were confused about their parental roles and children had lost their connection with the community. Many children then became victims of abuse in their own community, and so the government again intervened, scooping these children up into provincial child care agencies. Most of these children turned to alcohol and drug abuse, many remain in psychiatric institutions or prisons, and many actually committed suicide—all because parental rights were ignored and traditions and religions bypassed.

In 1897, the French sociologist Durkheim did a study of suicide in Italy, noting that sudden changes in social orders, whether due to growth or catastrophe, caused people to be much more inclined to self-destruction. We've seen an example of this in the Hobbema reserve, which received a sudden influx of money in the 1980s from oil reserves found in Alberta. Suicide rates began to soar. Social experimentation is a dangerous thing.

We view the equity and inclusive policy as the new residential school policy and we foresee devastation for our children that has not been told about yet, including the lesbian, gay, bisexual, transgender group. We want to know: Why is the government pushing this bill, which is clearly more than an anti-bullying bill?

Allan Hubley, the father of 15-year-old Jamie Hubley, the gay student who tragically killed himself last year, said that this is one issue where partisan politics and special interest groups should not get in the way of the ultimate goal of protecting kids from bullying. We cannot allow this important piece of legislation, he said, to get bogged down with different groups using it as an opportunity to further their own agendas and use someone's tragedy to promote things. We must protect all kids as soon as possible.

Some specific things about the bill that I disagree with that struck me: The bill requires gay-straight clubs in all schools if children want them. What about children like mine who were overweight and had an accent? Would I put her in a so-called "ugly" club, or a "fat" club? My child wouldn't want to be identified that way. We all know that children don't want to be made to be different; they want to fit in. Handicapped children want to be mainstreamed. I'm an ex-teacher. If I had a gay child who was bullied in school, I would find a way to protect that child. I don't know what I would do; I don't know if I'd go to the teacher—maybe that could make it worse. Or would I go to the bully? I would find a way, but I wouldn't put them in a club where they'd be singled out and be made to be even more different.

Section 300.0.1 talks about inappropriate behaviour about 15 times: addressing "inappropriate pupil behaviour" and promoting "early intervention"; providing "appropriate consequences" for inappropriate behaviour. And it goes on and on. It smacks a little bit of the Big Brother sound. If I'm Hindu, if I'm Punjabi, if I'm a Christian, is my child being inappropriate because they feel uncomfortable participating in a same-sex wedding drama, for example, at school? What is appropriate for one is not always appropriate for others.

These, MPPs, are real fears and concerns that we have. These are not imagined or hysterical feelings. The silent majority are afraid to speak up, and that's why you're not hearing the other side. I personally know of teachers who are afraid of losing their jobs. I know of a parent whose child was abused in reverse bullying but she's afraid to speak up because she thinks it would make it worse for her child in school. I'm hoping that some of these people will have the courage to come forward and talk to you.

There are already several anti-bullying bills in place: policy/program memorandum 119 (1993, 2009), Bill 212

in 2007, Bill 157 in 2009, and now Bill 14—an excellent bill. What is wrong with it? Apparently these bills have not worked yet, but on March 11 last year, the Catholic school board in Toronto issued a document showing that bullying in their system has not increased due to sexual orientation. Should we not be studying a system that works? Why are we ignoring it to reinvent the wheel?

If religion works better than the public system, then we should stop bullying using proven methods—and somebody has already talked about the fact that we need to love and have compassion and those kinds of things. That's where it starts; that's how to stop bullying. We want honest, open discussions with the homosexual community and we need to have them without being forced.

MPPs, please hear our cries as parents; we are genuinely concerned that children are now suffering abuse through this equity curriculum and a bill that would support it. Look at the expression on the faces of the children at a school in Sudbury where they view explicit sexual material. A similar incident happened last month in a community centre in Toronto. Though not as dramatic, it was equally shocking to the person who saw it, right on Weston Road. I'm going to pass these around at the end.

1630

Ms. Luvy Avila: I am a mother. My name is Luvy. I have two children who were diagnosed with autism; that is, they are autistic. The two of them are autistic. Every word they learn, everything they are able to do and everything they are able to understand costs me a lot of my time, social services and also my money. They are my whole life. I don't want the school system to teach them differently from what I teach them at home. I do not want them confused to think they may be a different sex.

Bill 13 will require all schools to have gay-straight clubs, but it will also support the Toronto school curriculum, which I strongly disagree with.

When I first heard about Bill 13, I felt shock so bad to think my government will take away my right as a parent to teach my children like I want. I did not believe it at first. The only anti-bullying bill that I want is Bill 14, because it protects all children and it does not take away my parental rights.

I come on this day seeking, asking, looking for your help to protect my children from the abuse we feel by this Bill 13. This bill will take away my right to teach the values I want to teach my children. If you pass Bill 13, who will help me to protect my children?

Please pass Bill 14. It will protect every single child from bullying in Toronto. Please help me.

I shared with people in many different places, stores, neighbours, and we made a petition. I got around 1,000 signatures and I gave them in this place to Lisa MacLeod, and I have now copies of around 200 more that I gave to my MPP, Eric Hoskins, in the St. Clair office. I have 200 copies here and I want to read the petition if there is time.

"To the Legislative Assembly of Ontario:

"We, the parents of Toronto and others, strongly request your support against Bill 13 because it supports the new curriculum that is being implemented in the TDSB. The curriculum guide says it is mandatory under the name of 'equitable and inclusive schools' for children from kindergarten to grade 12 to participate in activities that promote gay lifestyles."

It says, "encourage girls and boys to role-play opposite roles and students to have their own pride parade in their school attended by the local media, as well as representatives from Pride Toronto."

On page 10, "Can a parent have their child accommodated out of human rights education based on religious grounds? No.

"Bill 13 asserts all Ontario children deserve to be respected and free to choose, but if this bill becomes law, it will pass over the basic rights of many people, freedom of beliefs and parental rights. Our children will be brainwashed by allowing that pretense to be for equity and inclusiveness. Children are bullied for many reasons, but this bill will make them direct targets of bullying if they think differently from LGBTs.

"Also, parents will be bullied and afraid to speak freely in case we are accused of being homophobic. Bill 13 is not inclusive because we are not included."

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have consumed the whole 15 minutes.

Interjection.

The Chair (Mr. Ernie Hardeman): You can leave the presentations here and the clerk will see that the committee gets a copy. We thank you very much for the time you took to make the presentation today.

MS. IRIS JONES

The Chair (Mr. Ernie Hardeman): Our next delegation is Iris Jones. Good afternoon, and thank you very much for coming in. As with the previous delegation, you have 15 minutes to make your presentation. If any time is left at the end of the presentation sufficient to have all three parties have questions, we will do that. If not, we will just have questions from a single party; or if you use all your time, it's your time to use. So thank you very much for coming in. As you start the presentation, if you would state your name into the microphone for Hansard.

Ms. Iris Jones: It's just going to take me a minute to set up here. This is almost looking as messy as my home desk.

Good afternoon. Honourable members of the Standing Committee on Social Policy and guests, thank you for welcoming me at this committee to share my thoughts about Bill 13 and the topic of bullying.

I'd like to introduce myself and share with you my understanding of bullying from my own personal experience, along with changes that I suggest to make to Bill 13 and incorporating Bill 14. I have a couple of ideas there. I understand that's part of what this is about.

My name is Iris Jones. I confess most happily that, yes, I am a Christian. I'm a mother of two daughters and

a business owner in the Muskoka region. In my life, I have come to understand bullying from a couple of different perspectives, and I'll share those with you now.

My first understanding of bullying is of one group of people permitting the bullying of, and bullying, another group of people into near-oblivion. Though born in Canada, I am of German ancestry. So this is an issue that I've been well aware of through my life. I've wrestled with this identity of having a German ancestry, finding Remembrance Day services particularly poignant. Last year, I was in Israel at Yad Vashem. That was a challenge, I admit. It's a shameful and saddening part of my identity, although there are also very many things I appreciate about my German ancestry as well.

Yet, as a Canadian-born person, I always took comfort in my Canadian identity. We peacekeeping Canadians, peacekeepers all over the world—isn't that a wonderful thing to uphold? Who could ever claim we hurt anyone? And yet, when I was in my early 30s, I held that view before I came to realize that there are two kinds of bullies, and this other kind of bully I don't really see addressed in either bill, and it's a concern to me. There are those bullies who perform the cruelty on another and those who are complicit in not preventing the bullying from happening in the first place, by allowing it to happen, by letting a slippery slope slide and seeing people who are marginalized and not doing anything about it, not being able to do anything about it till it's too late.

By the time Kristallnacht hit in Germany, Germans were blindsided, and you know what? They were ashamed of that. But, hey, they were in the dark. This kind of rings a bell, people saying, "We're in the dark about something." Let's remember that. Let's keep that in mind.

So it wasn't until the mid-1990s that I came to learn of the 1939 St. Louis ship, which held 900-plus Jewish passengers—men, women and, yes, children—who left European shores and were seeking refuge in another nation, any nation: South America, Cuba, the States. And, in fact, Canada was their last resort. What did we do? Well, we can conveniently blame Lapointe and other Quebec immigration ministers and feel very innocent ourselves, and yet when we look at our Prime Minister at the time, he was no better.

1640

As a Christian, what did I do? I grieved in my spirit. I realized, "Hang on a second. I can't feel all comfortable in my Canadian identity, because we have this problem on our shores." Then a good friend, Brian, who's in his 60s—he grew up in Toronto, the Don Valley area, and he remembers seeing signs in Toronto storefronts saying, "No dogs or Jews allowed." This is our lovely city of Toronto, where I was born, in what is now the GTA. Shocking. The saying was, "None is too many."

Yes, thank God—I do thank Him. If you don't believe in God, that's fine. Just thank your lucky stars or whatever you like; that's not a problem. I don't have a problem with that. I believe in a pluralistic society where we

can all have our own views. That's great. I like that. I love that about Canada.

I'm trying to remember which Prime Minister—I think it was Chrétien who said, "Never again." He was the first Prime Minister to visit Germany and say that in opposition to the saying about the St. Louis ship, which was, "None is too many," which is horrendous.

Most of those innocent Jewish people ended up back in Europe and, yes, most did die in concentration camps. Since then, we have had an official apology from our government, and I'm happy for that. That's a good thing. It doesn't make reparations, but let's do what we can. Better if it hadn't happened in the first place, but at least we're admitting to our past, as we are with residential schools.

It has been difficult for me to come to terms with learning how Canada was complicit in sending those Jewish people to their deaths.

Sorry, I kind of went a bit over this.

We have learned about the severe, cruel bullying endured by our First Nation people groups at the hands of teachers in religious residential schools—which Lynn Jackson referred to as well—horrendous abuses that continued on into the latter part of the 20th century. So much for taking any kind of solace in our being innocent of bullying other nations and people groups.

At a young age, I too was bullied. I won't go into the details. I had to fight back to survive. I have had the help and protection of the Christian God that I worship, in my journey in healing as I have worked through the levels of spiritual, psychological and emotional trauma. It hasn't been fun, but we all walk the walk we're served, don't we? I have also become highly sensitized to recognizing when others, particularly children, are being bullied. You gain a sensitivity to that. You kind of get a sixth sense after a while. I have a mother hen instinct when I see bullying occur because of my own experiences.

Regardless of the people group or identity of the person who I hear has been bullied, bullying of any sort is unacceptable and to be stopped. The major reason for bullying is physical appearance—if someone's tall, short, thin, fat; hopefully, they won't be called fat, but you know what I mean—larger—which Bill 13 does not address in any of the clubs that are offered. I find this appalling. It's unacceptable. Bullying of those from religious groups is shown in surveys to be just behind that of gendered bullying. Thus, I advocate not specifying which clubs should meet, what type of club, but leaving that up to students and having an overseeing teacher to determine that.

I say that because people who have been bullied, if they don't unlearn the bullying, they will end up bullying others. So if you have students working with students, what guarantee do you have that the student leader isn't going to inadvertently bully others in their leadership skills? I don't see these bills offering anything about leadership skills. If you're saying that children as young as kindergarten can lead a bullying group, well, you had better teach these children leadership skills, or this is

absurd and ridiculous. You could have children bullied in these bullying groups. Let's use our heads here. This is not a thorough bill, and I find that very disturbing.

Each of the boys in the article that I'm going to read committed suicide last year because of bullying, as told in the article by Chris Traber on November 17, 2011. "Community Groups Speak Out Against Bullying" is the name of the article, and it was a yorkregion.com article.

"In 2010, while on one of those walks in Pickering, the 11-year-old was mugged by an older boy who attended his school." I'm sorry, I didn't have the name.

"Chris Howell"—there we go—"had Tourette's syndrome, obsessive-compulsive and attention-deficit disorders, all of which made him a target at school." Again, this is a real problem for people who are appearance-bullied, and this bill does not address this.

"Some of his Hamilton schoolmates threatened him last summer and during his first week of Grade 12.

"Jamie Hubley's life became increasingly difficult after he acknowledged he was gay.

"The 15-year-old Ottawa student was no stranger to danger. In grade 7, a group of kids tried to shove batteries down his throat"—and I'm sure you've heard the story but, you know what? It's worth hearing again—"but high school took things to a different and sinister level.

"These three young people were victims of bullying. No longer." This was written back in November. "Each committed suicide within the past 12 weeks." This was last year. This has been in the news. You know what? When I hear this on the news, because of my trauma that I've experienced, I can't watch TV. I don't do it. All I get is TVO. That's pretty innocent. I can listen to some of that, and that's good. But when I hear it on the radio, and I'm an avid CBC Radio One listener, you know what? I can picture it all, and it's as if it happens to you.

I'm sorry. I don't remember the name, but the gay activist who was brutally murdered in Halifax recently—I wept, and I still weep. I don't know if it would offend his family, but I pray for their peace, and it deeply disturbs me.

I have a gay friend, Mark. He's a beautiful person, and he's a person of faith. You know what? I'm an evangelical Christian, and we talk openly. He knows that I have different views than him. But you know what? Do you know why it doesn't bother him? Because I care about him. When he experienced a recent death of someone who was very close to him, I was there. I was comforting, and I wasn't judging him. This isn't something that people in society get, that Christians and other people of other faiths often do have the ability to hold this cognitive dissonance.

What a York University professor who talks about—whose name has escaped me. But the whole idea is that you can agree to disagree with someone and that tolerance doesn't mean you actually hold the exact same belief, but somehow in our post-modern society we have convinced ourselves that, oh, in order for whatever group to feel secure, we all need to say we believe the same thing. Well, that is nonsense. That's ridiculous.

Our pluralistic society was based on the idea that we can all agree to disagree, have varying religions and have varying faith views, have atheistic views. I've also been interacting with atheistic friends, learning that atheism really is about what you don't believe.

Interjection.

Ms. Iris Jones: I have one minute? Oh, dear. I have lots to read. I'll hand this out.

Okay. I have quite a bit about the bill, which I'd like to read. I suggest rewording the first sentence of Bill 13 to read, "An Act to amend the Education Act with respect to bullying" and leave out the rest. The above change to Bill 13 is necessary because there are no other needed matters to address in an anti-bullying bill, save anti-bullying alone.

1650

Change the definition of "bullying" in subsection 1(1) of the Education Act in Bill 13 to—and I've melded together the two—"bullying" means repeated and aggressive behaviour by one or more pupils or school board employees where the behaviour,

"(a) is of a written, verbal, electronic (cyberbullying or other) or other form of expression, a physical act or gesture or any combination of them if it is directed at the student"—and I list them all. I'm not going to read it all. I'll give these to you; you can read them. I'm going to skip to the end. I didn't realize I was taking so long.

The Chair (Mr. Ernie Hardeman): Rather than you rushing through it, if you want to leave your presentation behind, the clerk will make a copy for every member of the committee—

Ms. Iris Jones: Oh, I have copies. I have 25 copies.

The Chair (Mr. Ernie Hardeman): Oh, okay.

Ms. Iris Jones: Yeah; 27, actually.

The Chair (Mr. Ernie Hardeman): Okay. Then, they will read through it as we're dealing with the final version of the bill.

Ms. Iris Jones: May I address one more issue? I'm skipping to the end here.

The Chair (Mr. Ernie Hardeman): Very short.

Ms. Iris Jones: Okay. Thank you very much.

I suggest removing section 301(3.1), "Agreement with third parties re use of schools"—and this is why, and I think you'll like this: Those individuals and third parties renting or leasing from boards across Ontario are an asset as they provide much-needed additional revenue into the Ministry of Education coffers. Who would refuse that?

The Ministry of Education should instead offer better rental and lease incentives to encourage more individuals and third parties to enter into said agreements, not discourage revenue income from school board renting and leasing.

The Ministry of Education needs to, rather, find more creative ways to show that it is more open and user-friendly towards individuals and third parties seeking rental or leasing arrangements with local schools; school boards need to seek to lower costs of education for overburdened taxpayers across Ontario.

The Ministry of Education should seek to encourage this type of multi-use land and property sharing, as it

reuses land and property space during weekends, reduces the need for building more land-wasting facilities, and recycles—

The Chair (Mr. Ernie Hardeman): Okay. We do have to stop there.

Ms. Iris Jones: Well, you get my point.

The Chair (Mr. Ernie Hardeman): Yeah. Very good. We thank you very much for your presentation, but we do have to stop there. I'm sure the committee will read your presentation to—

Ms. Iris Jones: We need to set an example for the younger generation of caring for our schools again.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

Ms. Iris Jones: Thanks.

PARENTS AS FIRST EDUCATORS

The Chair (Mr. Ernie Hardeman): Our next presentation is Parents as First Educators: Teresa Pierre, director, and Joe Di Fonzo as a member.

We'll just give everybody an opportunity to change seats here.

Thank you very much for coming in this afternoon. As with the previous delegations, it will be 15 minutes for the presentation. You can use all or any part of it. If there's any left at the end, we will have some questions from the committee. As you start your presentation, we would appreciate if you would just, for the Hansard recording, state your name before you speak so they can put that in Hansard. With that, thank you very much for coming in, and the floor is yours.

Mr. Joe Di Fonzo: Thank you. My name is Joe Di Fonzo. I am a recently retired teacher of the Toronto Catholic District School Board. I am here today to speak as a parent of seven children and also as a founding member of PAFE, Parents as First Educators.

PAFE is a grassroots organization with many thousands of supporters in the publicly funded Catholic schools in Ontario. It seeks to inform ratepayers about faith-based issues in the schools, to pursue transparency and accountability in board relations with ratepayers, and to help ratepayers communicate with trustees and board staff on issues of concern within our schools.

I would first like to thank this committee for allowing public input on this proposed legislation to deal with the problem of bullying within our schools.

Today, PAFE is here to speak about our parental concerns about Bill 13. PAFE is also part of a coalition of groups who will be making legal submissions on May 22 in Ottawa.

We have before us two proposed pieces of legislation: Bill 13, the Accepting Schools Act, and Bill 14, which technically now is Bill 80, the Anti-Bullying Act, both aimed at dealing with the issue of bullying.

Bullying is a complex and multi-faceted behaviour that legislation alone cannot fix. Bullying is not a new phenomenon, but is of concern in that it is too common and often can lead to very serious consequences, includ-

ing, sadly, suicide. StatsCanada has confirmed other studies in reporting, in a study between 2005 and 2009, that one in four students were bullied at least once.

Recent cases of parents having their children resort to suicide as an answer to the persistent bullying they have experienced is cause for concern for all parents. All parents want schools that are truly inclusive, where all students are respected, all students feel safe and where there is no room for bullying or harassment of any kind, regardless of its motive.

There are several very serious difficulties with Bill 13 with respect to how it proposes to provide safe schools. Ironically, Bill 13 is not inclusive in its approach and, even more ironically, Bill 13 will be a means of bullying certain school boards and parents and violating fundamental rights. Let me explain these two points.

First, Bill 13 is not inclusive in its approach and focus. It is not inclusive in the groups it chooses to protect. According to the Toronto District School Board research report, which surveyed approximately 105,000 students in the Toronto area, the most common type of bullying was bullying based on body image—38%. The second most common reason for bullying, and perhaps surprisingly for some, is not gender, not sexual orientation or race but, rather, grades or marks. After marks, the next most common reason for bullying is cultural background, followed by language, gender at 6%, religion at 5% and then income.

As a sidebar: An Xtra magazine story criticized the accuracy of this Toronto District School Board study yesterday because the study didn't include Catholic schools. This shows the kinds of lengths to which people will go to try to discredit people who are saying that we need to take a breath and look critically at the extent of the bullying problem. The writer presumably is not saying that the accuracy of the study itself is in question. She can't be arguing that rates of bullying in the public board on body image are not almost eight times that of any other category, with gender an issue in some cases. So what she is saying is that to get a different picture of bullying based on sexual orientation for the province, there would have to be an absolutely enormous number of them in the Catholic board. This is not supported by the studies. It is, in fact, an outrageous thing to say.

A number in the 6% range for incidents based on sexual orientation is supported by other Canadian bullying statistical studies, such as the school reports made by Stop A Bully. Unfortunately, both systems have the same strengths and weaknesses with regard to bullying. Kids sometimes slip through the cracks in each system and both present life-saving supports. Neither is perfect.

To return to the question of how inclusive Bill 13 truly is, Bill 13 does not include the most common types of bullying in the clubs that are mentioned in section 9. In section 9, it says:

"Every board shall support pupils who want to establish and lead,

"(a) activities or organizations that promote gender equity;

“(b) activities or organizations that promote anti-racism;

“(c) activities or organizations that promote the awareness and understanding of, and respect for, people with disabilities; or

“(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.”

My question is this: Why is Bill 13 focusing on just these four groups and excluding those groups which have a higher incidence of bullying, such as those bullied for reasons of body image or marks? Bullying as a result of sexual orientation does occur. However, Bill 13 is unduly focused on this one group at the expense of others bullied for far more common reasons.

With its focus on just these four groups, none of my seven children would be included in any of these focus groups. I have seven children. All happen to be able-bodied, white heterosexual males. Bill 13 is telling school boards to be selective in which type of activities and organizations they will support. My children, who are as susceptible to being bullied as any other, are excluded.

1700

A second major problem with Bill 13 is its intent to bully Catholic school boards into violating their own doctrines. The current Minister of Education and the Premier himself have both been quoted as saying that Catholic schools will have GSAs—student-led clubs singularly focused on activism for those with same-sex attraction.

Bill 13 insists that GSAs will be allowed in all schools. By insisting on these student-led clubs, the government is pushing beyond asking for tolerance for individuals. It forces schools to accept a structure—the GSA, or gay-straight alliance—that both parents and bishops do not support.

Catholic parents have a problem with GSAs in Catholic schools. The GSA literature explicitly asks students to work against an idea called “heterosexism.” Heterosexism would include the Judaeo-Christian idea that heterosexual marriage is God’s plan for forming human families. The Catholic Church and Catholic schools cannot support a club that seeks to undermine their teaching on marriage. To ask it to do so is coercion.

The Catholic trustees association has produced a reasonable response to the ministry’s demands regarding support groups or clubs. Its document, *Respecting Differences*, offers the opportunity for there to be anti-bullying clubs; however, they must be all-inclusive, not focused on any one group of students, and they must be adult-led.

Question: What is wrong with having a support group or club that is inclusive in supporting all students who are bullied, whether it’s because of body image, marks, culture, language, gender, religion, income, sexual orientation or any other reason? What is wrong with that idea?

Rather than permitting students to learn about their differences and recognize their commonalities in equity

clubs, this bill specifically sets out to isolate students into issue-specific groups.

I have another question. What is wrong with parents, who every day entrust their children to the proper care of adults—their teachers—acting in loco parentis, having their children, who are experiencing bullying and perhaps depression, under the watchful eye of a trained adult? What is wrong with that idea?

This would seem to be not only reasonable but very prudent. It seems to me that it is unreasonable for the government to insist that parents agree to delegate their parental authority to their children’s peers.

The only Catholic group that has come out in favour of student-run clubs is a group of activists in the Catholic teachers’ union, and that is because they support a radical view of social equality that goes against the Catholic doctrine of the family. Many teachers have told us—and, as I mentioned before, I’m a retired teacher—that OECTA does not speak for them, but they are not free to speak out. Neither does OECTA speak for thousands of Catholic parents who strongly disagree with them.

There are a number of international human rights instruments that support broad parental authority, including the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, which states that “parties to the present covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Before superseding the choices parents make in education, legislators are cautioned that this is not a right to be overridden casually. There is an obvious constitutional violation in forcing religiously based schools to establish clubs not endorsed by the faith community, parents or students, or to implement a curriculum that disrespects their beliefs.

If Bill 13 is passed as is, it is highly likely we will see the province face years of expensive taxpayer-funded litigation as religious parents, groups and Catholic school boards seek to have their constitutionally enshrined rights and freedoms recognized and respected by this government.

We are concerned that the bill could be used as an excuse for school officials to try to silence those who speak on behalf of traditional marriage. We think we are right to worry now that we have heard MPP Glen Murray say in this House that the church does not have the right to teach its own doctrine.

We are right to worry when a high-profile sportscaster such as Damian Goddard has had to bring a suit to the Human Rights Commission for being fired simply for stating his support publicly for traditional marriage.

We have seen GSA assemblies used to bully Christian students at Parkside public high school in Hamilton.

Over the weekend, a video went viral of Christian students being bullied by Dan Savage, the creator of the very *It Gets Better* campaign Dalton McGuinty has partnered with in sponsoring Bill 13. Savage said that the

teachings of the Bible on homosexuality are—and I’m going to use his words; I’m just preparing you for this—“bullshit,” and then called them “pansy asses” when the students walked out of his tirade. I find it very troublesome when a so-called anti-bullying advocate is acting as the bully himself and publicly embarrassing young students because of their religious beliefs.

The Canadian Charter of Rights and Freedoms ensures both freedom of religion and conscience in regard to government action, from school boards to Parliament. We need to make sure that freedom of religion is protected in our schools.

As stated at the outset, bullying is a complex and multifaceted behaviour. Bill 14 suggests that anti-bullying strategies be taught at school. If the final bill includes teaching anti-bullying strategies, we would like to make a suggestion that character education be one of these strategies.

Having read both bills, Parents as First Educators believes that Bill 14, now Bill 80, is the better bill. Bill 14 is better because it is more inclusive, not focusing on any one issue group, and it does not force clubs that threaten parental rights or religious rights. Moreover, too many parts of Bill 13 are dangerously worded. The clause that states that students could be penalized for things they “ought to have known were discriminatory” is much too vague. A lawyer addressing a meeting with the Catholic teachers’ union last week pointed out that this clause is so vague that it will open the door to a spate of suits to the Ontario Human Rights Tribunal.

We are sure that no lawmaker wants to throw the school system into utter chaos by setting up a culture of fear.

In conclusion, Bill 13 is extremely—

The Chair (Mr. Ernie Hardeman): That’s the one we were waiting for: “in conclusion.”

Mr. Joe Di Fonzo: Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We very much appreciate it, but the time has expired.

Ms. Lisa MacLeod: On a point of order, Chair: I think this is the third or fourth time—maybe even more than that—that I have heard a Toronto District School Board report on bullying referenced. I’m wondering if we could direct the committee clerk to obtain a copy for each member.

The Chair (Mr. Ernie Hardeman): We’ll have them—

Interjection.

Ms. Lisa MacLeod: It was?

Ms. Dipika Damerla: It’s this one, right?

The Chair (Mr. Ernie Hardeman): We got it yesterday, as one of the presenters presented it—

Ms. Lisa MacLeod: That’s the survey? I’m looking for the survey, not the equity and inclusive—not that document.

The Chair (Mr. Ernie Hardeman): We’ll have staff look into it.

Thank you very much for your presentation.

CONCERNED CITIZENS AGAINST CHILD PORNOGRAPHY

The Chair (Mr. Ernie Hardeman): Our next presentation is Citizens Addressing Sexual Exploitation: Judy Nuttall, secretary.

Thank you very much for coming in and joining us today and making your presentation. As with the previous presenters, you have 15 minutes to use as you see fit. If there’s sufficient time left at the end of your presentation for questions from the committee, we will provide them with that opportunity.

If you would state your name before you start your presentation for the Hansard, and with that, we’ll turn it over to you to make that presentation. Thank you.

Ms. Judy Nuttall: Thank you. My name is Judy Nuttall. I live in Barrie. To the chairperson and members of Parliament for the Standing Committee on Social Policy, ladies and gentlemen, my name is Judy Nuttall. I want to thank you for the opportunity to speak to you today.

There was a mistake on my form, which needs to be corrected. I represent Concerned Citizens Against Child Pornography, founded as a sister organization to CASE, Canadians Addressing Sexual Exploitation, in Barrie.

1710

Bill 13 and Bill 14 both deal with anti-bullying. Bill 14 defines bullying and its causes, and recommends process for support of bullied children while also defining ways to redirect the negative attitudes and impulses of children who bully others. The overview for Bill 13 has the title of “bullying and other matters.” The “other matters” refer to the equity and inclusion policy, which is a sex ed curriculum for children from kindergarten to grade 12. Bill 13 states that bullying is mainly based on sexual orientation, whereas Bill 14 covers a wide range of the roots of bullying and how to bring change, and also covers Internet bullying as well.

Most schools would give a far wider description of the elements of bullying than Bill 13 states. Bullying covers a vast area of children’s perceptions such as: the wrong colour of clothing, wrong sneakers, home background, orientation, academic success or just not being liked. Bullying expands many minor differences, exaggerating the problem well out of proportion, carrying it into a very unhealthy realm, which offends and hurts the victim. Some children are more susceptible to negative or distorted comments and are more easily hurt. It is the gang mentality, and the cruelty exhibited by it, that engenders exclusion and harms the victim or victims, and can drive a child into deep depression or a solitary and lonely existence.

I require that all areas of Ontario be granted a hearing such as this, for Toronto and Ottawa are absolutely not representative of the whole province of Ontario.

The “equity and inclusion” school policy manual is the “other matters” part of Bill 13, the anti-bullying bill. It is 219 pages long and is owned or put out by the Toronto District School Board, 2011. The title printed at the top

of every page is Challenging Homophobia and Heterosexism.

The first section is for kindergarten to grade 3 classes. The kindergarten children, aged three to five, are introduced to different kinds of families, like gay, lesbian, adopted, single-parent, extended and divorced, and the stereotypes that are associated with them.

The grade 1 section is called “‘Pink vs. Blue’—Challenging Gender Stereotypes.” The class is asked to select toys and put them into a Venn configuration for boy, girl or gender-neutral. Name-calling is dealt with in an unusual way, which actually gives the children a new and extended but totally unacceptable vocabulary—please excuse my language—such as sissy, fag, gaylord, batty man, poofta, tomboy, lezzy, dyke, homo and queer. Why do grade 1s have to hear these words, and in school, and from a teacher? It is reprehensible—talk about pornographic words.

Grade 2 children are given the opportunity to discover their rights in this section covering sexual orientation, skin colour, religion, first language, ability or disability, job and pay, family and, finally, gender. Sources include the United Nations Convention on the Rights of the Child, the Universal Declaration of Human Rights—an undefined human rights policy—and the Equity Foundation Statement. I was very interested to note that the Universal Declaration of Human Rights is included. This declaration includes freedom of thought, freedom of conscience and freedom of speech, but more of that later.

Grade 3 children, seven to eight years of age, study a section called “Celebrating Family Diversity and Pride.” Amongst other things, the teacher is asked to search for images of Pride Week and the Pride Parade, especially from the Pride Toronto website, and print them out for the class or project them on the smart board or screen. The class is to discuss the significance of the Toronto annual Pride Week to some same-sex families. The class is to incorporate it into family diversity. Page 55 suggests arranging a guest speaker from the LGBTQ or the Pride Parade or other agencies.

I personally find this extremely radical and absolutely unacceptable for grade 3 children who are only aged seven to eight. These images may have a pornographic implication for these young and impressionable minds. It could be very difficult for children to remove such disturbing images from their minds, causing trauma.

Why does anti-bullying Bill 13 contain such explicit material, which has no content about bullying, supporting children who are bullied, or preventing further bullying? It may well exacerbate the problem. Are you attempting to destroy the innocence of the children of the province of Ontario?

Grades 4 to 6 is for children aged eight to 11 years of age. Under analyzing media images, the teacher is asked to go and buy People, Vogue and Chatelaine and, in addition, to buy Out, Siren, Xtra, Curve and A-Asian magazines. The class is to examine the magazine pictures to find diverse couples. I wonder how explicit and pornographic that material is. Historically, teachers are obliged to remove any such material from students.

Grade 7 and 8 students who are still in elementary school and grades 9 to 12 in high school are in the final section. The equitable and inclusive material is incorporated into the diverse subject matter throughout the curriculum. Pornography should never, ever be given to children.

The first primary and secondary school system was founded by Ryerson, based on the principles of a religious and moral education system, in 1871. I wonder what he would have said about this 2011 curriculum had he been alive.

This anti-bullying bill is entirely based on the premise that all bullying in schools, from kindergarten up, is anti-gay. This is a false assumption. Please remove all such material from this bill. Please allow our children to go to school, unconscious of the many differences that we all have, as they do today, and happily work through those early years of innocent wonder and discovery.

Finally, I return to the Universal Declaration of Human Rights, with its statements of freedom of thought, of conscience and of speech. Canada’s bill of rights and freedoms contains similar wording.

On page 9, I was surprised to find the following: Can teachers choose not to address controversial issues for fear of negative parental response? No. Can teachers choose not to address controversial issues because they might contradict religious beliefs? No. Can schools send home permission slips before starting these issues? No. Can parents have a child accommodated out of the human rights education? No. Finally, under parental and family rights, it says that no student can be exempted from human rights education.

If the rental of a school by churches and other groups is affected, they will be unable to function according to conscience before Almighty God and stay true to the foundational strengths of their mission statements. The UDHR states freedom of conscience, thought, speech and religion; Canada’s bill of rights and freedoms states similar freedoms of religion, speech etc.

How can this Bill 13 go forward while it opposes these basic foundational and legal strengths? Who is it that is attempting to bully the parents, the teachers and our children?

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about three minutes. I think it’s the government side.

Mr. Bob Delaney: Thank you, Chair. We have no questions for this deputant.

The Chair (Mr. Ernie Hardeman): Okay, thank you. Thank you very much for your presentation. He’s trying to save me some time from me not being quite as punctual as some of the others.

Ms. Judy Nuttall: Shall I leave these here?

The Chair (Mr. Ernie Hardeman): Yes, if you leave them here, we’ll make sure that everyone on the committee gets a copy of that.

Ms. Judy Nuttall: Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

ENGAGE BULLYING PREVENTION

The Chair (Mr. Ernie Hardeman): The next presenter is iEngage Bullying Prevention: Anthony McLean, founder. Thank you very much for coming in and sharing some time with us and making a presentation on these two bills. First of all, you get a 15-minute time slot to make your presentation. Any time that you don't use we will share, if there's sufficient time, equally among the three parties to ask any questions. If you use all your time—it's your time to use, so we're not trying to rush you through it. We're interested in what you have to tell us, as opposed to what we want to ask you. So thank you very much for coming in. If you will, before you start your presentation just give your name to Hansard for the record. With that, the floor is yours.

1720

Mr. Anthony McLean: Absolutely. Okay, great. My name is Anthony McLean. Thank you for being here. I'll tell you what: I'm a motivational speaker. I go to schools and I talk about bullying. I've been doing it for about seven years. I'll go into a high school and have 500 kids sitting on the floor, and sometimes people ask me, "Man, don't you get scared speaking in front of 500 teenagers?" I'm like, "No, man, that's cool." I get scared right now with you guys, with your BlackBerrys out and your suits and ties on.

Ms. Lisa MacLeod: No tie.

Mr. Anthony McLean: No tie. Thank you. Awesome. See, I've got to look at this—

Interjection.

Mr. Anthony McLean: All right; there you go. Awesome.

I'm very happy to be here. Again, I've been doing bullying prevention work in Ontario schools for the last seven years, and this school year alone I've been in over 100 Ontario schools in 11 different school boards and I've been featured on the Premier's blog twice. If you go on the Premier's blog on YouTube—I'm not trying to brag or anything like that, but I think I set the record for the most hits in 48 hours. So check that out for sure—giving a little plug for the Premier's blog there.

Why am I here? I'm here to talk about what I think about Bill 13 and Bill 14, and then answer any questions that you might have. I sort of live and eat and breathe bullying prevention, so if there's anything I can answer, that would be good.

I support Bill 14 and I'm not in favour of Bill 13, and I'll tell you why. I deal a lot in schools with kids who put each other into boxes. You walk into the cafeteria and it's like—I don't know if you guys have seen the movie *Mean Girls*, but in *Mean Girls*, the new girl comes to the school and she gets a tour through the caf, and it's like, "All right, here's how it is. The brothers, they sit over here, so all the black guys sit on this side. And then over here, we've got the jocks; they sit over there. The nerds sit over there." Boxes is what I face when I walk into schools too: kids that put each other into boxes. It's like, "I don't hang out with you because you're different than me," or whatever the case may be.

What I'm trying to do is get rid of these boxes and get kids to walk across the floor and get to know each other. The problem I have with Bill 13—and I think it comes from a good place, but it puts four big boxes out there: kids who are bullied based on gender or based on a disability or based on LGBTQ issues or based on racism. Those are important issues; I don't want to minimize them at all, but the problem is: It's us, again, putting kids in boxes and saying, "Okay, you're gay, so you can talk about your issues in this club. You're going through racism. You feel you can talk about your issue in this club." And I think we're weaker when we're separated and we're stronger when we're together.

In some of the schools that I go to, they do a practice called restorative justice, restorative practices. You might have heard of it. This is where, when an aggressor has been bothering somebody, the aggressor will sit down with the victim and they'll sit down with their parents and the extended school community, and they'll talk. Questions are asked of that victim who went through—maybe it's verbal torment; whatever the case may be—and the person conducting this circle in restorative practices will ask, "How did it make you feel when you went through that? What did your family say when they heard that this happened? What did your friends say?" The aggressor sits in on this conversation and hears the impact that their words had, and often this creates feelings of empathy and feelings of genuine remorse. Not the remorse that says, "Oh no, I got caught," but the remorse that looks across the floor at someone that's different and says, "I see it now. You're a human, just like me."

To make that circle happen is a very involved process. What we can learn from that is transferable. There are kids in schools today that are using homophobic slander in their hallways and there are kids in school today that are calling each other names and harassing their peers. And these kids will not join a gay-straight alliance. There are conversations that would happen in that gay-straight alliance that these kids need to be privy to, but it won't happen when we put each other in boxes.

The last thing I want to say—I don't know if you noticed, but I'm wearing a pink shirt today. I'm thankful that you're wearing a pink scarf as well; you got the memo. Anyone else? Another pink—I think pink stripes—

Interjections.

Mr. Anthony McLean: That's good. This guy's great. He doesn't know what I'm talking about. You're looking good. I like that. Anyone else wearing pink?

Anyway, the reason I'm wearing pink: You might have heard about what happened in Nova Scotia when a boy in grade 9 came to school one day, first day of school, wearing a pink shirt, and two grade 11 students started making fun of him and calling him all these homophobic names because he was wearing pink. They threatened him. They said, "Tomorrow when you come to school we're going to beat you up if you dress in pink." The student goes home; he doesn't know what to do. He's really worried; really concerned. What he

doesn't know is that two grade 12 students, David Shepherd and Travis Price, heard this happen and they said, "No, not at our school. We're not going to put up with this." They got on Facebook—which is often blamed for cyberbullying but it can be used for good—and they sent a message to all their friends of Facebook telling them what happened, saying, "Tomorrow, everybody wear pink. Guys, girls; everyone wear pink." They got their cellphones out and sent text messages like these guys are doing over here and said, "Hey, everybody: Wear!"

Interjections.

Mr. Anthony McLean: This is good. If I was in school, man, you guys would get in trouble right now. The students aren't allowed to do that when I speak. Anyway, it's all good. I'm not hating. I'm not hating.

So they got their cellphones out and sent text messages and said, "Everybody wear pink. Spread the word; spread the word." Then they went to a discount store and they bought 50 pink tank tops. They show up the next day at school: a whole bunch of students are wearing pink just like this guy. The ones that were not wearing pink: These two students would come up to them and say, "Hey, would you wear this pink shirt?" And the students were like, "Why?" They told the story about this grade 9 student who had been bullied for wearing pink. One by one, people put the pink shirt on and they said, "We want to make a school where you don't get singled out for being different. It doesn't matter what colour shirt you have; it doesn't matter what colour skin you have; we are one school, we're one family. Would you wear pink?" One by one, people said, "Yeah, I'll wear pink too," and it spread through the school.

When the kid that got bullied showed up that day, can you imagine how he felt when he saw the whole student body wearing pink? Do you know what happened to the two kids that bullied that one kid?

I don't know either. We never heard from them again.

I challenge you: What would have happened if, instead of reaching out to the whole school, they had just reached out to the gay-straight alliance and said, "Let's wear pink today"? Do you think I'd be telling this story today?

The Ontario that I see doesn't put people in boxes. The Ontario that I see is united, and it begins with our kids. When I read Bill 14, I see inclusive language that will cover and protect all Ontario students, and that's why I support Bill 14. Thank you for your time.

The Chair (Mr. Ernie Hardeman): Thank you very much for that. We have about five minutes. If we can keep the questions very short, we'll maybe get all three.

Ms. Lisa MacLeod: I have not made any comments other than to say thank you for people coming here today, but I'm going to say something I haven't said in public. The day that we actually debated Bill 14 and when Elizabeth Witmer was debating it: The night before, my husband and I found out that our daughter had been bullied, and it had been physical, at school.

Mr. Anthony McLean: Oh, my goodness.

Ms. Lisa MacLeod: So, obviously that week was quite a personal week for us. She's in elementary school. They used the restorative method with the bully, and I'm happy to say it was quite effective. It doesn't make it easier when you're a parent dropping off your kid to school. It happens—and thankfully, again, she's in elementary school and it was an older kid—but it seemed to work.

Are we doing enough of this in all of our schools? It was something that was entirely new to me. I'm the education critic and I wasn't really aware that this was something that was done. I was pleased to say that my daughter's school was really effective at it. I know that my colleague here, Mrs. McKenna, also had some experiences with her own family, particularly her son.

From your experience, when you're going throughout Ontario, is that sort of the method that has been adopted in all school boards and various schools, or is it sort of a pick-and-choose, depending on who the principal is?

Mr. Anthony McLean: It really depends on the administration. I've found that anyone that's really had experience with it becomes an advocate and uses it and takes it to whatever school they go to. It's wonderful. It comes from a native practice. I think it harkens back to the days of: You steal from the convenience store and your mom finds out, and she brings you back to the convenience store to look in the eyes of the person you stole from—

Ms. Lisa MacLeod: That's not happened to anyone at this table, just so we're very clear—well, maybe Delaney.

1730

Mr. Anthony McLean: At least they won't admit it now, yeah.

Ms. Lisa MacLeod: Thanks very much. Again, just thanks for coming. I don't want to take any of your time in case my colleagues have to say something—

The Chair (Mr. Ernie Hardeman): We have a little bit more time, so if you want to go to the New Democratic Party.

Ms. Cheri DiNovo: Just to say that Bishop Marrocco/Thomas Merton school, in my riding, came to Queen's Park and did a phenomenal presentation about Pink Shirt Day. One of the joys of it was that there was no question what it was about. It was students gathering together from a Catholic school, confronting homophobia and saying, "Just because you wear pink, or even if you are gay, you are still a part of our family at the school."

I just wanted to ask you a question. We also had some students here, again from Catholic schools, who want to start gay-straight alliances in their schools. They don't want to do it during the school day; they want to do it after school, on their own time. Would you say that that was okay?

Mr. Anthony McLean: Well, I would say that I think it would be more effective—and there are people who need to hear the conversations—

Ms. Cheri DiNovo: But these students wanted this. They actually want to do this. They explained that it's a

charter right to do so: freedom of assembly. Would you say they couldn't?

Mr. Anthony McLean: I wouldn't say that they couldn't, but I do think it's more powerful when we're all together, talking about these issues. I could tell you another story about that, but I'm mindful of the time.

Ms. Cheri DiNovo: I think they don't preclude that. They just want to do this as well as have that other conversation.

Mr. Anthony McLean: I see. And you know—yeah.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Ernie Hardeman): You have a very quick question?

Mr. Bob Delaney: Chair, we'll stand down our questions.

The Chair (Mr. Ernie Hardeman): Okay, very good. Thank you very much, and thank you very much for your presentation.

Mr. Anthony McLean: All right. Thank you so much for having me. Take care, all right?

The Chair (Mr. Ernie Hardeman): It was not only informative but even enjoyable, so thank you very much—

Mr. Anthony McLean: Thank you very much. Take care.

ROSE OF SHARON MISSION

The Chair (Mr. Ernie Hardeman): Our next delegation is Rose of Sharon Mission: Ulma Lee, member.

Ms. Ulma Lee: My name is Ulma Lee, originally from South Korea. This gentleman is Reverend Suh, chairman of the Korean church association in Toronto. Surprising for some, we have about 200 Korean churches in Toronto, so he's a very busy person. He tried, but he couldn't get his time slot, so now I am sharing my time with him. He will start.

Rev. David Inkoo Suh: Good afternoon. My name is David Inkoo Suh. I am the senior pastor of Toronto Somang Korean Presbyterian Church and also the president of the Council of Korean Churches in Ontario.

Today in our society, there are various definitions of what a family looks like. No family is perfect, and there are many instances where children grow up in a family structure which does not resemble the traditional definition of a nuclear family.

Children will always remain our most precious resource. The question remains: What is best for their growth and development? As Christian ministers, we continue to uphold the belief that the most ideal environment for the development of our children involves the presence of both a father and mother. The traditional views of both a mother and father within the family unit give our children a foundation that is much more stable and healthy. With the consistent changes our society encounters, certain elements, we believe, must stay consistent to cope and manage these changes. Traditional family is one of the pillars in our society.

Bill 13 seeks to expand society's definition of the marriage institution. However, the Bible clearly teaches that same-sex relationships do not fall within God's original intention for the marriage institution or family structure.

Our intention is not for further distance to be created between the Christian and LGBTQ community. However, as ministers, we continue to appeal to scripture as our ultimate authority in this matter. Therefore, it is our united stance to hold fast to an orthodox definition of the marriage relationship: the union between one man and one woman. We choose to vote against the passing of Bill 13.

Thank you.

The Chair (Mr. Ernie Hardeman): If we could just stop there, we do have to suspend the proceedings. There's a vote going on in the House that the members of the committee have to attend. So we will do that and we will be back after the vote to conclude your presentation and the presentation following that one. If you can just, as they say, hold that thought, we will be right back.

The committee recessed from 1737 to 1751.

The Chair (Mr. Ernie Hardeman): If we could have everybody find their seats, we'll proceed with the hearings.

Thank you very much to the delegation for waiting for us. We've got the vote all completed, so now my full attention is back to you. The floor is yours.

Ms. Ulma Lee: My name is Ulma Lee. I am president of the Rose of Sharon Mission. That is a special name, but it is because in the Bible we see the rose of Sharon is pointing to Jesus. First, I like this name, and then the national flower of South Korea is the rose of Sharon. So I took this.

I was working about the last 10 years at this mission that they had mainly for the social issues among Korean society, working with Korean churches.

And now, this issue: I believe, government must work with the parents. If we ignore parents, nothing can be solved. So parents must work together—government and parents must work together to solve the problem of school bullying.

Parents teach their children all through their lives, but school teachers teach the children only a few years, and the school can teach children only when children allow them to teach them. So you must understand how parents are important.

Regarding this Bill 13, we request that the portion of the bill that is against the Christian teachings be removed from the bill. It means it can be amending Bill 13. But the problem with the portion of Bill 13 is that absolutely we cannot accept it as Christians.

The portion is, for example, from the Toronto District School Board curriculum, JK to grade 3. You read pages 37, 41, 44, 50, 53, 54, 56.

Now, apart from Bill 13, I prepared some old pictures. I think you all have these pictures. You will wonder why these old pictures have anything to do with Bill 13. I will explain very shortly.

When this issue came up, as you all remember, this newspaper, this National Post advertisement—I think everybody remembers. Do you remember seeing this advertised? When I see this in the newspaper and on television, I many times wept, looking at this picture. When I look at this little girl—so beautiful and innocent, like an angel. She is pleading to the adults, “Please don’t do that.” I was weeping, my tears streaming down. I wondered why I was so emotional, why I was weeping for this issue.

Then I find out—I was studying my psychology, and I find—around that time, a Korean gentleman issued a very precious book about Canadian missionaries to Korea: 100 Years of Canadian Mission in Korea. When I was looking at that book, I was weeping too. I am a very cold person; I rarely cry or weep. But I was weeping when I looked at these missionaries and at this little girl—the girl is weeping. Then I realize my heart, my spirit, is so deeply related with Canadian missionaries.

When I was in Korea, I didn’t know we had so many Canadian missionaries in Korea. During the last 100 years, we find out—the gentleman finds out—that we had 182 missionaries, but still more to be found.

Looking at that, how come—I was a Buddhist. My grandfather was a Buddhist. He built three large Buddhist temples in Korea, and he had seven concubines. It was a shame, but it was a reality of Korea 100 years ago. But after this missionary work, Korea changed completely. Now everybody knows: After the missionaries worked there, and died there, and were buried there, Korea did develop. Now Korea has large schools, hospitals, churches, and they are so much developed now that—

The Chair (Mr. Ernie Hardeman): One minute left.

Ms. Ulma Lee: One minute. So I plead to you: Don’t think Christianity or the Bible or God—don’t think it is an old story, because I saw Christianity change Korea so much. It is a powerful book. God is an omnipotent, powerful being.

1800

With this issue, I find that the fundamental issue is: Some people despise Christianity. That is the fundamental issue. Please respect all the traditions of western civilization. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We apologize for the break in between, but we do thank you for coming in and making your presentation.

MR. JAMES RYAN

The Chair (Mr. Ernie Hardeman): Our last presenter today is James Ryan. Thank you very much for coming in. As you’re finding your seat there, I would point out that you have 15 minutes for your presentation, to use as you see fit. If there’s time left at the end of your presentation, we will have the members of the committee ask their questions. If you would, when you start your presentation, give your name so Hansard can record it.

With that, thank you very much for coming in, and the floor is yours.

Mr. James Ryan: Thank you, Mr. Hardeman. I certainly appreciate the opportunity the standing committee has granted me to appear. I realize I’m in the unenviable position here of standing between you and your supper tonight, even more so since the ringing of the bells, but let me first of all explain who I am and what I do. My name is James Ryan. I am a Catholic teacher with the Toronto Catholic District School Board. Over the past 21 years I have taught at all grade levels, from grade 1 to OAC. In high school, I’ve taught English, history and also special education. I’ve spent time teaching at Sunnybrook—it was Sunnybrook and Women’s College Hospital back then, but it’s now Sunnybrook Hospital—in the adolescent psychiatric ward. I am currently a teacher in Toronto and I’m teaching in a learning disabilities classroom, which was quite interesting today, having to juggle the responsibilities of the teacher in charge and having a shortage of staff and having to contend with that, and designing lesson plans that required a lot of one-on-one assistance. So I’m actually refreshed to be at the committee.

Today I’m going to talk primarily about Bill 13 and Bill 14, and not so much the bills themselves as much as the concept of bullying on the basis of sexual orientation, primarily in a Catholic school context.

I know that you started presentations yesterday and I’ve heard many of the comments in the presentations made, and I’d like to make a few clarifications, first of all.

Number one, I certainly, as a teacher for the last 21 years—actually, something I also forgot to mention: You may have recognized me from another role in the past. I am the past OECTA president, but I have returned to the classroom now, into the trenches. The first premise I start from is: All bullying is wrong. It doesn’t matter whether it’s bullying of LGBT students. It doesn’t matter if it’s bullying based on ageism, sexism, body size. It’s all wrong. I think that’s the premise from which we have to start, and I think both Bills 13 and 14 do that.

The other thing is, we’ve heard a lot of talk about the Toronto District School Board’s equity policy. I’d like to make it clear that neither Bill 13 nor Bill 14 has anything to do with that equity policy. They are separate documents, and that equity policy will exist in the Toronto District School Board regardless of what happens with these bills.

Also, I’d like to comment—this is more about Bill 13 as opposed to 14. This is not about sex education. It doesn’t deal with this. This is about keeping our kids safe at school. That’s the purpose of both these bills.

The other thing is, this is not just about the bullying of LGBTQ students; this is about the bullying of all children and all students, and it talks about that. But we certainly cannot deny that children, over the last many, many decades, probably since our school system existed, have suffered bullying because of their sexual orientation.

On the issue of gay-straight alliances, when I look at the bill—and in this case, we're talking about Bill 13 too—it does not compel any school to have a gay-straight alliance but allows students to have the opportunity to use that. Gay-straight alliances, which have existed in North America since—oh, it goes back to at least 1988—are a strategy to accomplish an environment that is free from homophobia. That's it. They aren't a club for orgies; they're not a recruitment agency; they're not anything like that. They are there to accomplish the goal of creating an environment that is free from homophobia, and they are one strategy to do that. I think, regardless of what the name of those organizations are, that should be something that's open to students.

I'd also like to address the issue of the Catholic community. We are a diverse community. We have many opinions. We don't have one opinion on, for instance, GSAs, or on a strategy to achieve an end to homophobia. One thing, if you do look at the catechism that we are committed to, is ending all unjust discrimination towards people of same-sex orientation. For some of us, we believe that GSAs are a good way to accomplish that.

In terms of bullying: When I look at bullying of students based on their sexual orientation, it is important that we protect this, not just to protect LGBT students, although that would be a good reason in itself, but this also protects students who have no idea what their sexual orientation is, and it protects students who are heterosexual as well. I can think of examples over the years of being in a classroom where I have seen students who—frankly, I had no idea what their sexual orientation was, but because they walked a little bit funny, because their voice was a little bit higher, because of some peculiarity, they were targeted by bullies. That was wrong; I certainly addressed that as a teacher; but it exists. We can't deny it; it exists. I think this potential legislation tries to make things better for all students, not just LGBT students but heterosexual students as well. That's critically important, as all students suffer from this, not just one group.

I can also remember, when I go back to my university days—and we won't talk about how long ago that was—

Ms. Lisa MacLeod: It was just yesterday, James.

Mr. James Ryan: That's right. When I was in my second degree, I remember being the academic don at one of the residences, an all-boys' residence at my university. Again, we had a student at that university whose voice was a little bit higher than everyone else's, and we had one bully in that residence who continued to bully that student. I remember him spray-painting that student's door. I apologize for the language I'll use, but he spray-painted on that door, "Fag go home." Luckily, in that residence, the proctor—who was a good guy; he went on to be a police officer later on—and the resident assistants got together, and we made sure that that student was expelled from residence. But I'll tell you that that student was so affected by what had happened to him that we had to move him to another residence where he would feel comfortable. That's the danger of homo-

phobia. And, as I say, it's a threat not just to LGBT students; it's a threat to all students.

I'd also like to talk a little bit about some of the perspectives from our Catholic educational community too. You'll notice I have copied in there a resolution by the Toronto Catholic student senate which was passed last year. You may recall that the Toronto Catholic school trustee was a woman by the name of Natalie Rizzo from Cardinal Carter Academy; she's now in university. I'm not going to go through this, but it talks about the concerns of the Catholic student senators in Toronto. I will say that this is not just the opinion of Catholic student senators in Toronto but it was shared by many Ontario Catholic student leaders. I certainly have talked to the president of the Catholic student trustees about this, and it was a big concern for them as well.

My own association, and I know you'll be hearing from my president on Monday, passed a resolution at our annual general meeting this year that read, "that the association support an inclusive learning and working environment for lesbian, gay, bisexual, transsexual, two-spirited, queer and questioning individuals." That motion, by the way, passed by over 90% of our delegates, which were about 640, I believe, in that range, and they came from across Ontario, from every Catholic school board in Ontario.

I've also included in my handout a document I pulled off the Internet, but it was actually handed out to students in the Peterborough Victoria Northumberland Clarington Catholic school board, talking about sexual orientation. I know you're going to look at Bill 13 and 14, and probably there will be some amalgam that will come out of it, but I certainly encourage you to pass this legislation, and I encourage you to pass it with protection for our students who—on the basis of sexual orientation and to protect our students from homophobia.

I think these bills, which will eventually be one bill—this is about protecting our children and it's about loving our children. That's the only thing this is about. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your deputation. We only have about two minutes left. Who wants a question?

Ms. Lisa MacLeod: Why don't we just say: Thank you very much.

The Chair (Mr. Ernie Hardeman): I think that's a great idea. Thank you very much for your presentation.

Mr. James Ryan: Thank you for your time.

The Chair (Mr. Ernie Hardeman): We have surpassed the time where we normally would quit, but we thank you very much for taking the time and being here to speak to the committee.

The committee stands adjourned until—

Mr. Bob Delaney: Just before you drop the gavel, Chair: Just as a confirmation, there will be a meeting of the subcommittee tomorrow after question period.

The Chair (Mr. Ernie Hardeman): That's arranged.

Ms. Cheri DiNovo: In the opposition lounge.

Mr. Bob Delaney: Yes, in the opposition lounge—
about Tuesday.

Ms. Lisa MacLeod: Oh, you're talking about the—
it's about the 22nd?

Mr. Bob Delaney: Yes.

Ms. Lisa MacLeod: Oh, okay. Sure. Thank you. I
can't stay because of the public hanging of Ernie Eves.

The Chair (Mr. Ernie Hardeman): The committee
stands adjourned.

The committee adjourned at 1813.

CONTENTS

Tuesday 8 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten; Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-53
Ms. Linda Beaudoin.....	SP-53
Network of Families' Concern.....	SP-55
Ms. Lynn Jackson	
Ms. Luvy Avila	
Ms. Iris Jones	SP-57
Ms. Iris Jones	
Parents as First Educators	SP-60
Mr. Joe Di Fonzo	
Concerned Citizens Against Child Pornography.....	SP-62
Ms. Judy Nuttall	
iEngage Bullying Prevention	SP-64
Mr. Anthony McLean	
Rose of Sharon Mission	SP-66
Ms. Ulma Lee	
Rev. David Inkoo Suh	
Mr. James Ryan.....	SP-67

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Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 14 May 2012

Lundi 14 mai 2012

The committee met at 1400 in room 151.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): Good afternoon, ladies and gentlemen. We'll call the meeting of the Standing Committee on Social Policy to order. We are reviewing Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools. We are holding public hearings on that.

ONTARIO GAY-STRAIGHT ALLIANCES
COALITION

The Chair (Mr. Ernie Hardeman): The first delegation, at 2 o'clock, is the Ontario Gay-Straight Alliances Coalition. I presume that's the people who are already ready for the meeting who are at the end of the table, so we welcome you on behalf of the committee. Thank you for coming in. As you make your presentation, first thing, would you introduce yourself for Hansard so we can keep a record of those who spoke at the meeting.

The floor is yours. There will be 15 minutes for each presentation. You can use any or all of the 15 minutes for

your presentation. If there's time left over at the end of your presentation, we will have questions from our members of the committee. So, with that, we turn the meeting over to you.

Ms. Marilyn Byers: Good afternoon, and thank you. My name is Marilyn Byers and I'm the chair of the Ontario GSA Coalition. Our coalition is a diverse coalition of 19 member organizations, representing over one million Ontarians from all walks of life, dedicated to securing a safe education for LGBT youth. A full list of our members is set out in appendix A of our written brief.

I represent PFLAG Canada within the coalition. PFLAG is a national organization with 88 chapters, supporting friends and family members of LGBT persons as well as LGBT persons. I am also a retired Catholic educator and the proud mother of a gay son.

Presenting for the coalition this afternoon is Rev. Deana Dudley of the Metropolitan Community Church of Toronto, and lawyer Douglas Elliott. I'd ask Rev. Deana to speak first.

Rev. Deana Dudley: Good afternoon. I'm Rev. Deana Dudley, as she said, from the Metropolitan Community Church of Toronto. I'm here actually to respond to some of the things that you may have heard from other people of faith who were speaking in opposition to the anti-bullying bill, and I'm here to speak in support of it.

You've probably already noticed that people of faith don't agree on very many issues, so why should this one be different? I'm here to tell you that people of faith really do not speak with one monolithic voice on the issues that this bill addresses. There are many, many people of faith whose beliefs call us to more inclusion, not less; more justice, not less; and there are people of faith who follow the dictum that we're to extend ourselves to care for those who are outcast or oppressed—to those who have been, in a word, bullied.

For those of us whose faith calls us to follow Jesus Christ, we're called to give food to the hungry and water to those who thirst, to visit the prisoner, to welcome the stranger, to clothe the naked and care for the sick, and it's that kind of belief that also compels us to support Bill 13 because we feel called to help support young people who've been bullied for the sake of their sexual orientation or gender identity.

As a church, we've seen first-hand the devastating damage of bullying in the lives of young people. We've seen far too many teen suicides, and we know that there

is a huge need for stronger action to create a safer and more inclusive environment in all schools, and we think this legislation is a positive step forward.

Indeed, the Metropolitan Community Church of Toronto provides space in our church for the Triangle program, which is a program in the Toronto District School Board that is Canada's only high school program for LGBT youth, and it exists because the kids in it did not feel safe in many traditional schools, specifically because of anti-gay bullying. We are happy to provide a safe space for them, but that's not the answer. As a society, we need to make all schools safer and more inclusive for all people, regardless of sexual orientation, gender identity or any other status.

I'm told that some folks have come to you and claimed that this bill would infringe on their religious beliefs, and as people of faith we do not agree. We've studied the bill and we know that it doesn't require us or any other religious institution to change our beliefs or our teachings. After the passage of this bill we will all still be free to believe any darned thing we want. The only thing we won't be able to do is use religion as an excuse to deny basic human rights, and we think that's a good thing. Thank you.

Ms. Marilyn Byers: And now Douglas Elliott.

Mr. Douglas Elliott: Good afternoon. My name is Douglas Elliott. I'm a partner with Roy Elliott O'Connor in Toronto and I'm the lawyer for the Ontario GSA Coalition. You have our written brief, and I want to state emphatically that we base our brief on the scientific evidence and the relevant international constitutional and statutory legal provisions that should govern your deliberations on these bills. Our detailed comments on the language of Bills 13 and 14 can be found in our brief and we'll be happy to assist the committee in any way as you move forward on clause-by-clause consideration of the bill, but this afternoon I would like to make four points.

First, there is a need to focus on the issues affecting LGBT youth. We do not doubt that students are bullied for a variety of reasons that are unacceptable. However, some people go much further and claim that kids are not bullied because of their LGBT status or that LGBT students are no more likely to be bullied than their straight counterparts. That view is contrary to all the known evidence.

Egale, one of our coalition members, conducted a study of these issues, published last year, called *Every Class in Every School*. The extent of the problem this report reveals is staggering. LGBT students and students with LGBT parents experience much higher levels of verbal, physical, sexual and other forms of discrimination, harassment and abuse than other students. Almost two thirds, 64%, of LGBT students reported that they feel unsafe at their school.

One item of good news from the report is that there are some effective tools at our disposal to tackle this problem. Students from schools with GSAs are much more likely to agree that their school communities are supportive of LGBT people, are much more likely to be

open with some or all of their peers about their sexual orientation or gender identity and are more likely to see their school climate as becoming less homophobic. Gay-straight alliances make a difference. The kids themselves are telling us that they work.

Second, it is our position that students already have a right to form LGBT-focused clubs. Students have a right to a safe educational environment that is free from discrimination, pursuant to sections 7 and 15 of the Charter of Rights. They have freedom of association guaranteed by section 2(d) of the charter.

Banning gay-straight alliances constitutes a substantial interference with the rights of LGBT students to pursue their collective goal of creating a safe environment in their schools. Given that the health and safety of students is at stake, there can be no justification for this infringement. The religious scruples of parents or boards cannot justify permitting intolerance and a hostile environment in our schools for LGBT youth, as we know from Supreme Court of Canada rulings such as *Chamberlain* and *Ross*.

Third, the students have a right to choose the name of their club, including the name "gay-straight alliance." We support choice. The students have the right to name the clubs and to use the word "gay" if they choose to do so, and that is guaranteed by section 2(b) of the charter—freedom of expression. Forcing LGBT persons to be invisible, to go back in the closet, is a blatant form of discrimination that violates section 15 of the Charter of Rights. The word "gay" is not obscene or offensive to public policy and it is in common, everyday usage in our society. The word is a core part of our LGBT identity for many of us—a word we have fought for in the streets and in the courts.

No one would seriously suggest that the Roman Catholic church would not experience discrimination if it was allowed to carry out its activities but was not allowed to use the word "Catholic." We feel the same way about being forced to give up the word "gay."

Fourth, and finally, there can be no religious or cultural justification for refusing these rights. We know that there are people who hate us. We know that there are people who condemn us as sinners. We hear from them all the time. We do not seek to force them to give up their beliefs or to stop expressing their beliefs. We know that we cannot force them to love us or to approve of us.

However, we do insist that they tolerate us in our publicly funded schools. We demand a safe educational environment for LGBT youth. It is their right under international law, under our Constitution and under the laws of this province.

In a recent Supreme Court of Canada ruling, *S.L.*, the Supreme Court again stressed that there is a difference between something that offends your religious beliefs and something that interferes with your religious beliefs. No parent has the legal right to block GSAs in our schools just because the name of the club or the existence of such clubs offends their religious beliefs.

Even if the existence of these clubs did somehow interfere with the religious beliefs or cultural traditions of

others, how could that trivial interference possibly outweigh the safety of children in our schools? Is religious sensitivity more important than a black eye? Is cultural tradition more important than suicide? The UN says no and Canada says no. There is no religious exemption in our law for assault and no cultural free pass for psychological harassments. Our schools should be safe for everyone.

1410

We urge you to move forward with Bill 13 as soon as possible and to blend in the best parts of Bill 14 as we have suggested in our written brief. Most of all, we urge you to do your duty to protect the health and safety of our youth. Their lives are depending on you. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about three minutes left, so we'll start with the government—the opposition.

Interjections.

Mr. Douglas Elliott: Was that a moment of wishful thinking, Mr. Chair?

The Chair (Mr. Ernie Hardeman): My apologies; I was looking at both sides at the same time.

Mr. Bob Delaney: Ernie, you get away with that once.

The Chair (Mr. Ernie Hardeman): It actually was the government that should start first. This is the third day of hearings, so it should be the government first.

Mr. Bob Delaney: So which one of us is it?

Ms. Lisa MacLeod: Which government is it?

The Chair (Mr. Ernie Hardeman): Mr. Delaney, we'll turn it over to you.

Mr. Bob Delaney: Did you have anything you wanted to ask?

Ms. Tracy MacCharles: I'll ask a question. First of all, thank you for your presentations today. We appreciate you taking the time to come in and sharing your viewpoints with us.

Just so we're clear, your group, and I believe others—if a group of students were to approach a principal, as contemplated under this act, where it's initiated by the students, not top down from the administration, and they wanted to form a group for aboriginal youth or children with disabilities or they were gay, could you just confirm what your position is if students approach administration on any of those types of examples?

Mr. Douglas Elliott: Yes. They would all have the right. Those are all groups that are protected under section 15 of the Charter of Rights. In our view, their associational rights give them the right to pursue the objective of joining together in a peaceful fashion to pursue the goal of equality. That is their right under our charter.

Ms. Tracy MacCharles: Thank you for clarifying the position.

The Chair (Mr. Ernie Hardeman): Thank you very much. Do you have another question?

Mr. Bob Delaney: We're done, Chair. Thank you.

The Chair (Mr. Ernie Hardeman): Okay. Did you have a question?

Ms. Lisa MacLeod: I just want to say thanks to the deputants for coming in today. I've thanked everybody for coming in, because this has become sort of a sensitive issue and it's really important that we hear both sides and we respect everyone for coming in with a variety of different views. I really appreciate the legal background that you provided today, and I wish you well. Thank you very much for coming.

Mr. Douglas Elliott: Thank you, Ms. MacLeod, and thank you for your support.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. The next round, when the opportunity arises, will start with the third party.

Mr. Douglas Elliott: We're happy to help the committee in any way, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Thank you very much.

MR. JOE GRIECO

The Chair (Mr. Ernie Hardeman): The next delegation is Joe Grieco.

Mr. Joe Grieco: Grieco.

The Chair (Mr. Ernie Hardeman): When it comes to pronouncing names, I always stand to be corrected. Thank you very much.

The clerk will pass out your presentation. If you want to take a chair, and, as with the previous delegation, you will have 15 minutes to make your presentation. You can use any or all of it. If there's any time left at the end of the presentation, we will start the questioning from the committee with the third party.

With that, just before you start your presentation, if you would repeat your name again into the microphone for Hansard, I would much appreciate it, and then the floor is yours.

Mr. Joe Grieco: Okay. My name is Joe Grieco and I'm from the Owen Sound area of Ontario. I would have liked to have been here with my family, but I am here alone today. I've written this as a family member, but it's the whole family that's writing this. Just to let you know, I'm dyslexic, so if I stumble a bit, if you can just be patient with me.

We are writing jointly as parents of a child who, we are alleging, was bullied for eight months by her teacher and whose life was painfully and devastatingly altered by those experiences. We are also writing as representative complainants in a multiple family lawsuit; to date, the largest lawsuit ever filed against an Ontario school board. Finally, we are writing as members of BC for E, Bluewater Citizens for Education, an organization that exists to support local families in crisis due to bullying issues, and also our school board, in making positive changes to ensure students are safe in Bluewater schools.

With more than four years invested in bullying issues, we have paid close attention to recent education news coverage, including the tabling of the Liberal Bill 13 and the PC Bill 14, and the debate of the two bills in the Legislature. We have also read about the scandalous,

though not surprising, exposé of the Ontario College of Teachers last fall.

Unfortunately, we have also witnessed how our elected officials have selfishly used this issue to further their own personal and political gain, quite possibly undermining the safety of each and every child in this province. This selfishness has given rise to a possible multi-tiered safe school policy and other serious flaws to the proposed new bill.

Having carefully looked over both bills, we have grave concerns that, although there appears to be a desire to reduce the impact of bullying in Ontario, the proposed additions and amendments to the Education Act are not comprehensive enough and will not lead to the necessary outcome: safer schools, safer students and improved learning success for all Ontario students.

It is vital to the success of our education system and the well-being of generations of children and young adults to reduce the incidence and impact of bullying. Without informed decision-making and effective legislation, every Ontario student, teacher, administrator and school board employee remains at risk. Based on the shared experiences of our group of concerned parents in Bluewater, along with other safe school organizations throughout the province, and with thought given to proposals in both Bills 13 and 14, we respectfully present the following crucial considerations for inclusion in any final bill. The following points I'm making will be condensed from the written information I have given you.

(1) All-encompassing: Bullying is not limited to only students. Any definition or definitions related to bullying—Bill 14 has a thorough one; Bill 13 does not provide one—must be all-encompassing, pertaining to all members of the school communities, including teachers and administrators and other employees.

(2) Easy access to information: Students, parents, guardians and any other member of the public must have easy access to all information that is provided and gathered for and by school boards as a means to assist in dealing with bullying incidents.

(3) Tracking and reporting: Improved data collection, tracking and reporting is needed to truly understand the impact of bullying in Ontario schools. All schools should be required to keep a quantitative and detailed record of all reports of bullying throughout each school year.

(4) Support for all: Bills 13 and 14 both recommend offering support, assistance and remedial programs to both targets and aggressors. The damage done by bullying is not, however, limited to the bully's chosen victims. It is far more wide-reaching than that, as its effects are felt by family members as well. Bill 14 identifies support options but falls short in recommending that these resources be offered, free of charge, to all parties affected by an act of bullying, for as long as is deemed necessary by an impartial medical professional or counsellor.

(5) Comprehensive policy for all school boards: Bill 13 would seem to suggest that school boards must each establish their own policies and guidelines regarding

bullying, prevention and intervention, and that these policies must be approved by the Minister of Education.

1420

Inconsistent policies and guidelines in different boards across the province lead to confusion, mismanaged time and too little accountability.

(6) Third party oversight: If there is to be a true and effective change to bullying challenges in Ontario's education system, there needs to be consistent and effective oversight. Extended jurisdiction of the Ombudsman—by the way, the private member's bill, Bill 183, was defeated by the Liberals, which would have included the education system as part of the MUSH group of—sorry, the word escapes me—to include third party oversight of school boards.

(7) Integrity, responsibility and whistle-blowing: In a similar vein, teachers' unions seem to be impenetrable fortresses that protect their own at all costs, even the physical or emotional well-being of a child—even a child's life.

(8) Absolute accountability: In reading over Bill 13, there is repeated use of the phrase "The minister may." In our experience, policies and procedures that incorporate the use of the word "may" or similar words are virtually worthless to parents advocating for their broken children.

Although all eight considerations are important, we feel that if these next four were in place five years ago, the outcome for our daughter and our family would have been different: third party oversight, either the Ombudsman or some other independent third party; integrity, responsibility and whistle-blowing; all-encompassing legislation to include not just students, but teachers, administrators and other employees; and tracking and reporting.

Our family has seen first-hand how a dysfunctional, unaccountable education system can destroy lives, and we are not alone. If the powers that be had consulted the experts on the issue of bullying, many of us would not be here today. The definition of "expert" that we are using comes from the word of one of the most influential Canadians in a generation, Malcolm Gladwell. He wrote, "In fact, researchers have settled on what they believe is the magic number for true expertise: 10,000 hours." The grassroots safe schools organizations that have sprung up across the province and have spent countless volunteer hours are the bullying experts in Ontario. Sadly, our provincial government has all but ignored these experts in the field and failed to consult with them before drafting Bill 13.

I'd like to end with a quote from a trustee in Bluewater. He said the following: "A child's right to an education does not trump another child's right to safety." Thanks.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about five minutes and we will start with the third party.

Ms. Cheri DiNovo: Thank you very much for your presentation. It actually included some items that we haven't heard heretofore, so thank you for that.

Just a reminder: We're the party that has always called for Ombudsman oversight over the MUSH sector, so thank you for that.

Mr. Joe Grieco: Yes. You're welcome.

The Chair (Mr. Ernie Hardeman): Government?

Ms. Tracy MacCharles: I just want to say thank you for taking the time, for your thoughtful input and presentation today. No further questions.

The Chair (Mr. Ernie Hardeman): Thank you very much. The opposition: Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much, Mr. Grieco. I really appreciate your coming here today to speak to the committee. I generally try not to comment. However, I often do.

When you spoke about the process—and I guess this is what mostly concerns me—I think in a minority government we could have done something pretty revolutionary with this and that maybe we could have had public hearings at the very beginning of the process, much like they used to in the early 1980s with select committees—

Mr. Joe Grieco: Agreed.

Ms. Lisa MacLeod: —and we did once with the mental health one.

I'm just wondering, from your process—I mean, you are an engaged parent; you're with an anti-bullying coalition. I take it you were with the coalitions that met on the weekend in Guelph.

Mr. Joe Grieco: Yes, I was.

Ms. Lisa MacLeod: Would it not have lent more credence and credibility to moving ahead on anti-bullying legislation had we done this process earlier on a big social issue like this one?

Mr. Joe Grieco: Absolutely. I think me and a lot of the other members of the coalitions felt that the amount of hours we put in and the knowledge could have helped out the Legislature in drafting a much stronger bill. Right now, we're running short in time if we want to get it ready for September. Unfortunately, I don't believe that we're going to find that we're going to have a bill that is as powerful as it should be.

Ms. Lisa MacLeod: Are you worried that if a bill passes this Legislature that's not strong enough, we won't have another opportunity to bring in stronger legislation?

Mr. Joe Grieco: Absolutely. I think issues tend to come and go and especially the media will probably put this issue aside, that it's done and over with. But in the meantime, I think a lot of children will continue to suffer.

That's one of the reasons why I strongly feel that the Ombudsman or another independent third party, just for education, if that's how you want to make it—if all parties can't agree that the Ombudsman should expand his or her jurisdiction over all the MUSH areas, then at least for education. It's important that the school boards have some oversight, third party independent oversight.

Ms. Lisa MacLeod: Joe, I just want to say that a lot of parents have come in over the past two days now. I suspect in the next couple of weeks we're going to see

the same thing. It takes an awful lot of courage to speak to a lot of professional politicians. I want to say thank you very much for taking the time to present to us.

Mr. Joe Grieco: You're quite welcome.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That concludes the time allotted. We thank you again for coming in and making your presentation.

Mr. Joe Grieco: Thank you for having me.

LONDON ANTI-BULLYING COALITION YORK REGION ANTI-BULLYING COALITION

The Chair (Mr. Ernie Hardeman): The next delegation is the London Anti-Bullying Coalition, Corina Morrison, executive director. Good afternoon and welcome. Thank you very much for coming in. As with the previous delegations, you have 15 minutes to make your presentation. That 15 minutes is for you to use as you see fit. If there's any time left at the end of the presentation for questions from the committee, we will have questions from the committee.

With that, if you would start your presentation by introducing yourself into the microphone so Hansard could record it, and then the floor is yours to proceed with your delegation.

Ms. Corina Morrison: Thank you. My name is Corina Morrison and I'm with the London Anti-Bullying Coalition. I am here representing 500 members from the London area and I'm also here presenting on behalf of the York Region Anti-Bullying Coalition.

Thank you for the opportunity to speak with you today. I am speaking to you as a community leader and a mother of two sons who dealt with bullying for over four years.

Today I'm here to ask that you consider amendments and have one bill strictly devoted to anti-bullying. We feel any anti-bullying legislation should ensure the following: (1) every child has the right to be safe at school; (2) safe schools lead to safe communities; (3) everyone has a role to play in building a safe community.

As you know, a great deal of work has been done with regard to anti-bullying legislation. While we appreciate the purpose of Bill 212 and Bill 157, they didn't quite get the job done, and that's why we are here again today.

We are pleased that so many of you are genuinely concerned over the well-being of our youth. To have two bills before us demonstrates the desire to ensure safety for all children. In our package, you will find an analysis of both Bills 13 and 14, clause-by-clause, with our comments in red. A chart of pros and cons for both bills is also included for you to peruse at your convenience.

1430

In our opinion, Bill 13 is vague and lacks detail. We would prefer a bill strictly devoted to anti-bullying. We are pleased to see that Bill 14 includes: a clearer definition of "bullying"; early intervention incorporated into

the curriculum; a ministry model for prevention and intervention plans; the development of detailed school board prevention plans; the provision of services for victims and perpetrators, though not the families; ongoing professional development; parental and community education; the publicity of anti-bullying initiatives and policies; the reporting of incidents and prompt investigations; the tracking of incidents of bullying and reporting to the public; and ongoing supports for both the victim and perpetrators.

Although a positive step, Bill 14 is not perfect either. We feel the following need to be included in Bill 14. There are a number of definitions when it comes to the word "bullying." We feel the word "bullying" is too soft and actually assists at diminishing what a child is experiencing. In an adult world, it is called "assault," "harassment," "stalking" and "sexual assault."

It is imperative that wording of any anti-bullying legislation be clear, exact and concise. A clear definition is required and must be all-encompassing.

Hold school boards accountable when they fail to uphold their responsibilities under legislation.

Provide a meaningful mechanism of recourse if the bullying issues are not effectively and promptly resolved at the local level.

The above inclusions would be a positive step forward in filling the gaps of what Bill 212 and Bill 157 failed to do. These inclusions speak to the safety of all students and must be included in anti-bullying legislation.

To date, our government has spent \$234 million on safe schools while, at the same time, failing to ascertain whether these programs do anything at all in reducing the problem or even assisting those youth who require supports.

It would be most prudent if data is tracked, collected and summarized, which we believe to be paramount in making sure what works and what doesn't. We often say, "If you can't measure it, you can't manage it," which is the foundation of any successful business.

When serious and long-term aggression takes place, not only does it affect students involved, but it also impacts the extended family. Resources and/or services should be readily available to these families. They should not be left to fend for themselves as a result of administrative failure.

The London and York anti-bullying coalitions believe in an educational system in Ontario that will foster equality among all students, mutual respect for one another, and a culture of fairness devoid of racism and violence. In order to achieve this result, we must all take responsibility over what transpires in our communities and, more specifically, the emotional and physical well-being of our children. However, when it comes to keeping our children safe while at school, we are failing.

As parents and from personal experiences, we would like to mention the total ineffectiveness of what mandates and policy memorandums represent. They cannot be relied upon in a court of law. They are nothing more than words written on a piece of paper, and their usefulness is

only determined by the conscience and integrity of the adults who implement. Where are the consequences for those charged to keep our children safe?

As proposed by Bill 13, we do not believe in suspensions. It is too punitive, and we want supports for the bully put in place.

Bill 14 offers supports for all students. We believe in remedial assistance, but we also believe in equal supports for the child at the receiving end of the aggression, which for the most part remains non-existent for the families who contact our coalitions.

The focus of both Bills 13 and 14 deals with the unacceptable behaviour of our youth and what to do about it. What is of most importance is, neither bill offers up consequences of any kind for adult failure to protect a student. Accountability for the failure to protect students is one of the most important factors of any kind of anti-bullying legislation.

In conclusion, if there is to be true and effective change to bullying challenges in Ontario's education system, there needs to be consistent and effective oversight. With that in mind, we are asking that you define bullying that encompasses all students. Hold schools and school boards accountable when they fail to uphold their responsibilities under legislation. Provide a meaningful mechanism of recourse if bullying issues are not effectively and promptly resolved at the local level.

Extending the jurisdiction of the Ombudsman to include oversight of school boards is an option that needs to be revisited for several reasons. As is evidenced by the increasing number of lawsuits against school boards, parents are not finding the responsibility and accountability they expect from their school boards. The vast majority of these lawsuits are centred on bullying incidents and inadequate responses to keep students safe. Autonomous school boards are not serving their students and families nearly well enough in this area. There is a clear need for third party oversight in order to hold school boards to account.

Thank you for this opportunity to speak, and I welcome any questions that you may have.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

It'll start and stop on its own.

Ms. Corina Morrison: Sorry.

The Chair (Mr. Ernie Hardeman): We have about four minutes left. We'll start with the government. Mr. Delaney?

Mr. Bob Delaney: Ms. MacCharles?

Ms. Tracy MacCharles: Thank you.

Interjection.

The Chair (Mr. Ernie Hardeman): We started the last one with you, didn't we?

Ms. Lisa MacLeod: I think we're starting where we—to the person who we ended with last. We ended with me, so they go.

The Chair (Mr. Ernie Hardeman): Okay, go ahead. Ask your questions and then we'll go there and do there,

and the next time we'll get it all straight. Thank you very much.

Ms. Tracy MacCharles: Okay. First of all, thank you, Ms. Morrison, for being here today and for providing a very comprehensive package on behalf of your organization as well as York region. We do appreciate the time, and you've highlighted a number of thoughtful points for our consideration.

I just want to say, as a mom with a son who has been bullied because of his disability, I have great empathy for the comments you made, and I want to thank you for sharing your personal story with us as well as the representations you're making on behalf of hundreds and hundreds of members. It's always good to hear from many voices in these kinds of undertakings, and we appreciate your advice.

Similar to the question I asked someone earlier—and one of the things we're trying to talk about in Bill 13 is the provision that allows students to approach the administration if they want to form a club. The example I asked before was an aboriginal youth club, a group with disabilities and, if asked, a group for gay students. Can I get your feedback on that provision of the bill, please?

Ms. Corina Morrison: According to the Education Act, the principal is in charge of their school. They have all the discretion and authority that they want, so if a principal wants to have a gay-straight alliance or an aboriginal group or a group for Tourette's, then it's up to the principal.

Ms. Tracy MacCharles: So just to be clear, in this legislation, it provides for students who want to form a group of any number of topics to approach the administration.

Ms. Corina Morrison: Absolutely.

Ms. Tracy MacCharles: I just wanted to clarify that and get your reaction to that.

Ms. Corina Morrison: Yes.

Ms. Tracy MacCharles: Thank you again for your time today.

The Chair (Mr. Ernie Hardeman): Mr. Tabuns.

Mr. Peter Tabuns: Thank you. Ms. Morrison, thank you for coming today. It's nice to meet you in person.

Ms. Corina Morrison: Thank you.

Mr. Peter Tabuns: The question of holding schools and school boards accountable—and I haven't read through your brief, but could you talk a bit about the mechanism that you see in order to make that a real thing?

Ms. Corina Morrison: It actually was your bill that Rosario Marchese brought forward—I don't know how long ago; maybe a year or two ago—Bill 83, which included school board investigations through the MUSH factor.

Our parents—what they report to us is that they go to the teacher, they go to the vice-principal, they go to the principal, they go to the superintendent, they go to the safe schools superintendent, all the way up to the ministers. I even bugged Mr. Hardeman quite a bit over the years on this, because there is nowhere where the buck

stops. We need either the Ombudsman to be able to investigate these situations or a third party to investigate, because right now parents are not getting the solution that they need to keep their child safe.

1440

We have children at home as we speak today who have not been in school for five weeks because they are too afraid to go, and they have not been contacted by anyone from the school board. That is a shame and that should not be happening. We have kids on suicide watch. Parents don't know where to go.

That's why a coalition was formed. We just keep pushing along, quietly from behind the scenes, for a change. We don't want any more suicides. We've had six since September.

Mr. Peter Tabuns: No. None of us want that.

Ms. Corina Morrison: We want a bill that is strictly devoted to anti-bullying for all students.

Mr. Peter Tabuns: So the proposal by Rosario Marchese in Bill 83 to extend the power of the Ombudsman to schools, you see as a critical piece of this?

Ms. Corina Morrison: Absolutely.

Mr. Peter Tabuns: Okay. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That concludes the time. We thank you very much for coming in and wish you well. You can keep bugging Mr. Hardeman—

Ms. Corina Morrison: Thank you.

ONTARIO PRINCIPALS' COUNCIL

The Chair (Mr. Ernie Hardeman): Our next delegation is the Ontario Principals' Council. Thank you very much for coming in. As with the previous delegations, you're allotted 15 minutes to make your presentation. If there's any time left at the end of the presentation for questions or comments, we'll give the opportunity to the members of the committee. Starting the next round—we started on the right, but in the next one the official opposition will start.

With that, before you speak, if you would just put your name on the record for Hansard, we'd very much appreciate that. The floor is all yours.

Mr. Colin Fleming: Colin Fleming.

Mr. Naeem Siddiq: Good afternoon. My name is Naeem Siddiq. I'm the president of the Ontario Principals' Council.

Once again, good afternoon, and thank you for the opportunity to appear before you today. My name, as stated, is Naeem Siddiq and I am the president of the Ontario Principals' Council and a secondary school principal. With me today is Colin Fleming, who has been an elementary school principal and a safe schools principal with the Toronto District School Board.

During our time today, we will address the bills, but we've also prepared a more thorough leave-behind.

The OPC is the professional association representing more than 5,000 principals and vice-principals in Ontario's public secondary and elementary schools. Let me

start by saying we welcome both Bill 13 and Bill 14 as ways to further address bullying and promote safe and inclusive school environments.

We also support the inclusion of school safety as a stated purpose of school discipline. This important element has been missing from the legislation to date, and has caused some people who advocate for students facing disciplinary action to argue that the safety of victims and other students is not relevant to disciplinary determinations. We are pleased that this legislation supports a more balanced approach.

We need to acknowledge that bullying is a societal concern, not just a school concern. We all have to consider how we treat others and model behaviour for students in our homes, on the roads, on the playing field and in our workplaces. Respect for one another, even in difficult circumstances or situations of conflict, is essential modeling for impressionable young people.

The definition of bullying proposed in Bill 13 is similar to the one currently in PPM 144 and therefore already in use in schools. We would strongly encourage you to take this opportunity to further refine that definition, with the goal of enhancing clarity and improving protection for students facing bullying.

To achieve greater clarity and empower principals to deal with all bullying behaviour, we recommend that you remove the qualifiers “repeated” and “aggressive” from the definition as these limit the principal’s discretion to identify certain conduct as bullying. We also have some concerns about the required evidence of a power imbalance.

By including references to “repeated,” “aggressive” and “power imbalance,” you are depriving principals of the opportunity to teach those students that their behaviour amounts to bullying, and to respond to it accordingly. It also creates a disconnect for victims, who certainly will view such behaviour as bullying.

The word “repeated” in this definition has the practical impact of excusing some behaviour that should be dealt with as bullying, and such a limitation does not align with the purposes of this bill. The word “aggressive” limits the principal’s ability to identify such subtle examples as bullying and to deal with them accordingly. As well, the requirement for a power imbalance can be problematic, given that bullying alone can shift the balance.

In the alternative, if you feel strongly that you cannot remove these qualifiers, please consider restoring the word “typically” to the definition presently in PPM 144, because this will at least invest principals with the discretion to act upon one-time or non-aggressive acts of bullying when necessary.

In a poll of school principals from across the province, the most significant factor that they cited for their decision not to suspend a student for bullying was that it was unclear whether the behaviour amounted to bullying. It is essential that a strong, fulsome and definitive definition be included in the bill so that teachers, principals, students and parents know exactly what constitutes bullying.

The most important way to prevent and address bullying in schools is to establish caring, safe, accepting school environments by creating a positive culture in the school. If principals were given the time and the resources to do this one thing, it would make a significant difference in the number and severity of bullying incidents.

One of the most effective tools for establishing caring, inclusive school communities and preventing bullying is the presence of an adequate number of adults to supervise and interact with students. We have to increase all forms of supervision so kids are safe. Students who bully try to avoid detection by the adults, and most bullying takes place in areas of the school that are undersupervised. The safety of kids in our schools is too important to be left to the bargaining process, and we are confident that parents would agree that additional supervision resources are required.

According to a study by Rona Atlas, Debra Pepler and Wendy Craig, teachers only intervened in 14% of classroom bullying episodes and 4% of playground episodes. To understand why it is happening, we need to look at a related study that asked teachers to indicate why they did not intervene in a bullying incident. Almost 82% said they were not aware that the situation constituted bullying. That study makes it clear that teachers and principals need more and better training to understand what bullying is so that they can prevent it and intervene when necessary. That is why we have focused on simplifying the definition of bullying and are calling on the government for leadership in developing a province-wide anti-bullying program. It is important that everyone in our school community—teachers, principals, students, parents and trustees—receive education and training to recognize bullying and deal with it appropriately.

While principals have the ability to suspend students who engage in persistent dangerous or inappropriate behaviour, we are often discouraged or even prevented from using this tool. Principals have been under increased pressure not to suspend students and to get suspension numbers down. For students with special needs or in cases involving mitigating factors, we are often prevented from suspending altogether. While suspensions are not the first step or even the preferred way to deal with bullying, sometimes the behaviour in question leaves no alternative, and a strong message needs to be sent to the bully, the victim and the school community. We should not face political pressure to keep the number of suspensions down to an extent that this disciplinary tool becomes unusable.

After reviewing the bill, here are our recommendations:

(1) The definition of bullying needs to be revised by removing the qualifiers “repeated” and “aggressive,” and restoring the word “typically” to ensure principals have the discretion to deal with all types of bullying behaviour. The requirement for a “real or perceived” power imbalance should be reconsidered.

(2) Principals need the ability and discretion to assign supervision to the adults in the school to prevent bully-

ing, intervene when necessary, create safe learning environments and ensure student safety.

(3) We need a province-wide bullying prevention plan, supported by research.

(4) Bullying prevention and acquiring social skills need to be a priority for our students, embedded in the curriculum.

(5) Training must be made available to teachers so they can recognize and respond to bullying. Principals need the funding and authority to ensure this training takes place.

(6) Trustees need better training, more understanding of the school culture and better awareness of the complexity of these issues, as they will continue to make decisions around suspension appeals and expulsions. They are not in schools every day and have difficulty understanding the seriousness of the more subtle, yet very damaging, verbal and social bullying faced by students.

We thank you for the opportunity to appear before you today and would be pleased to provide any further assistance to this committee to ensure a strong, workable, definitive piece of legislation that addresses bullying in schools.

Colin and I would now welcome any of your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much. Did you want to make a presentation too?

Mr. Colin Fleming: No.

The Chair (Mr. Ernie Hardeman): You're just here to answer the tough questions?

Mr. Colin Fleming: Yes, sir.

The Chair (Mr. Ernie Hardeman): Very good. Thank you very much.

We have about six minutes left. We'll start with the opposition side.

Ms. Lisa MacLeod: Thank you very much, Mr. Hardeman. Thanks very much, Naeem. It seems like just a few days ago we were together in Niagara Falls at your convention, which of course it was. At the time, last Thursday, many of the principals in your organization talked about supervision with teachers. That's not something that's probably going to appear in legislation, but negotiations are coming up. Do you have a message for the government with respect to supervision?

Mr. Naeem Siddiq: Well, when it comes to supervision, our concern always has been that when people have discussions about minutes and about details of supervision, student safety cannot leave that discussion. If minutes of supervision is lessened for any person in the system, perhaps teachers, the students still need to be supervised, and we need to understand that if we want to decrease bullying, we're going to have to increase our presence—presence where the kids are and how the kids perceive our presence to be.

1450

Our message to any government is that all these things are related and you can't talk about them in isolation. When you talk about supervision or school culture, you

in essence are talking about bullying, because it's the adults in that place who need to reinforce that culture as they see it. And the more places we are, the better.

Ms. Lisa MacLeod: I appreciate you just clarifying that for us. Is there anything else that you wanted to add? I just want to obviously say thank you very much for presenting here today and for your thoughtful presentation. Is there anything else you would like to add?

Mr. Naeem Siddiq: I think one of the concerns we have is—we recognize the need for accountability, but we're concerned that if coming from this bill was just a series of reports that principals write in their room about bullying, it's not going to address the issue. The solution is to get out in the hallways and be with the kids and to know them very well.

Accountability can come in many forms, but results come in different forms. Results mean when students perceive their school cultures are changing. Me writing reports on how I respond to bullying without having an impact on it may make me feel accountable, but doesn't make me feel effective.

Ms. Lisa MacLeod: So the best way to change school culture is to ensure that you have the tools to do your job and that we change the definition of bullying to give you more power to do your job, as well as making sure that there are more teachers in the hallways and in the playground or the play area, particularly for younger schools.

Mr. Naeem Siddiq: Yeah. I've always felt that, in my opinion, every adult, when they arrive at school, is managing the school culture. The more adults who feel comfortable, trained and visible to manage school culture in the building all the time, the more likely that school is going to be a safe and caring environment.

Ms. Lisa MacLeod: Have you talked to the government about this yet?

Mr. Naeem Siddiq: We've talked to the government, yes, about what it is we believe that can move schools forward. We've suggested ideas even around this bill, and I think many people in our organization have actually put forward models that holistically have moved school cultures in a positive way which, hopefully, this bill will give more focus to; because I think there are other principals who, with proper supports, would do the same kinds of things in their school.

Ms. Lisa MacLeod: Okay. Thanks very much, Naeem.

The Chair (Mr. Ernie Hardeman): Questions from the third party?

Mr. Peter Tabuns: Naeem, thanks very much for the presentation. Thank you both for being here. I'm going to go to this question of training for teachers. What sort of resources are we talking about here? What sort of frequency are we talking about when we talk about training for teachers?

Mr. Naeem Siddiq: Well, we recognize very well that we're in a situation where resources are very limited right now in education. We're very cognizant of that reality. We do believe that many of the initiatives that have come

forward have had positive impacts on school learning. But perhaps it's a time to refocus some of the existing monies and existing times on to school culture-building.

What we're asking for is the opportunity and the will, sort of, to decide, if we're getting more money for PD and resources and time, to dedicate it to this problem and dedicate it to the discussion. I would like to empower my school staff to be school teachers and talk about what it is beyond just being classroom teachers and to have the time to work with them through professional development. To be able to control that professional development I think would allow me to build a school culture. That's what I'm hearing from all the members in the province.

Mr. Peter Tabuns: When you talk about changing the curriculum so that we're addressing social skills and bullying amongst the students, are you talking right through elementary and secondary in every year? Do you have a clear picture of what that would be like?

Mr. Naeem Siddiq: Yeah. I think the curriculum has done an amazing job in the past to change student perception and student cultures—societal values, perhaps: The way we've taught human rights, the way we've taught environmental concerns are great examples of our curriculum using, whether it be science or primary school education, to do that. The same can be done in bullying. If you look in elementary levels, relationship building and relationship growth need to be part of our school curriculum. They're sometimes not measured in test scores and EQAO results, but they're very important for our learning in the future. As you get into secondary, I've personally found in a secondary school that a school lacking that cultural basis doesn't know how to treat each other.

Classrooms, hallways, gymnasiums and auditoriums are all the places you deal with school culture, which helps create a norm of behaviour. But you have to be aware, because if you see bullying happen, you have to respond to it. So you have to have a combination of activities with responsible adults watching the behaviour while they occur.

Mr. Peter Tabuns: Okay. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much, and we thank you very much for your presentation. We much appreciate that you took the time away from your other things to come here and help us out with these bills. Thank you very much.

Mr. Naeem Siddiq: You're welcome. My pleasure.

GUELPH ANTI-BULLYING COALITION

The Chair (Mr. Ernie Hardeman): Our next delegation is the Guelph Anti-Bullying Coalition. Thank you very much for being here. As with the previous delegations, we will allot 15 minutes for your presentation. You're entitled to use any or all of that time for your presentation; any time that's left over we will ask the committee if they have any questions. The next round of questioning will start with the government side of the committee, and we will go from there. Thank you very much again for being here, and the floor is yours.

Ms. Lisa MacLeod: Chair, I think we should note that this is, I think, the first occasion that we've actually had students appear before the committee on these two bills.

The Chair (Mr. Ernie Hardeman): Exactly.

We do ask you that each person as they're going to speak—and if some of the youth that are here are not going to speak, if you would introduce them anyway for the record to tell Hansard that they are here. Thank you very much.

Ms. Lynne MacIntyre: Can I begin?

The Chair (Mr. Ernie Hardeman): The floor is yours.

Ms. Lynne MacIntyre: I don't know if I'm more nervous or them.

Good afternoon. My name is Lynne MacIntyre, and I'm the founder of the Guelph Anti-Bullying Coalition. I am pleased to make this submission today to the Standing Committee on Social Policy.

I'm here today as the mother of a child who has been mercilessly bullied at school. The bullying that he has endured for the past nine years involves verbal insults, threats, physical assaults and a terrifying incident involving a knife. Words can't begin to describe what horrific acts have been thrust upon my son, as much of it is too foul and too painful to repeat.

This has obviously had a profound and negative impact on my son and our family. Sadly, his experiences are not unique.

Because the school system is not equipped to deal with bullying, and the current legislation is flawed, a change is needed. It is my belief that we all have a responsibility to make an effort to be part of a growing movement to talk about and stop bullying.

Here are some other things that I do know. Bullying is a learned behaviour. It is a cyclical problem, and if not addressed in childhood, it will burden our medical, policing and social service programs with hurt and hurting adults. Simply put, bullying costs time, money and literally lives.

Because current legislation allows for too much inconsistency in responding to bullying, we have a patchwork of anti-bullying approaches across the province. As a result, we have inconsistency from school to school, board to board and city to city. Bullying has become such a prevalent part of school life that anti-bullying measures cannot be buried in a larger piece of legislation.

This is a non-partisan issue, and it is my expectation of all MPPs to look at the issues today and keep their focus on all of our children. In fact, I will challenge all of you to look at that the opportunity before you today. It is probably one of the few times that all parties can set aside their political beliefs and convictions and work together to create the most meaningful piece of legislation in Ontario and, in fact, in Canada—a law that will protect all kids from all bullying.

Currently, we have better legislation in place to protect adults in the workplace than we have to protect children in our schools. School has become a battleground, and it is open season on those who are vulnerable and different from the rest.

The following children have endured horrendous torment and were repeatedly let down by the system, and their only choice was to continue taking it or to take their own life: Christopher Howell, age 17; Brendan Deleary, age 15; Bryten Brown, age 13; Jamie Hubley, age 15; and Mitchell Wilson, age 11. These children were bullied because of a disability, because they were gay or just because they were a little bit different from the rest.

If you pass legislation that creates the perception of a hierarchy of targets, my fear is that my son will not be protected, and other children will fall through the cracks. Which one of these children that I just mentioned wasn't worth protecting? Is the school system equipped to have safe rooms or clubs in the schools for kids with a disability, with green eyes, that run a little funny, who like to play by the rules or who do well in school?

1500

If we fail to have meaningful awareness legislation in place before the fall, I firmly believe more lives will be lost. We owe it to those children whose lives have been impacted or lost due to bullying.

After nine years of constant harassment, physical assaults, unbearable torment and even threats on my son's life, he doesn't want to go to school anymore. Instead of learning, he spends his time in class listening to snickering and name-calling, and recently they rolled up pieces of paper and smashed them with a badminton racquet off his face for an entire one-hour class. Not once did the teacher lift his head or notice, and therefore they didn't stop. With multiple paper cuts all over his face, I'm sure it was most humiliating and certainly most painful.

Every day I get in my car to go to work and I'm frustrated with myself because I spent the last hour begging him to go to school. The whole time I was riddled with grief and guilt because I know I'm sending him back to take more torment. How can any mother ask their child to go to school to be treated like an animal? I have little confidence that the people who are there to be responsible for his safety will do so. Every day I sit at work and I wonder, "What are they doing to him now?" Every day I wonder when I get home, "Will I still have a son?"

My son is not gay; my son does not have a disability; my son is kind and he plays by the rules. My son is just a boy.

I'd like to call on Briar MacDonald, a 12-year-old from Guelph, Ontario.

Ms. Briar MacDonald: Good afternoon. My name is Briar MacDonald. I am 12 years old and I go to St. Michael Catholic School in Guelph, Ontario. I am honoured to have the opportunity to speak to you today.

I have a friend, and his name is Mack. Mack is 14 years old and this past September Mack started high school here in Guelph. Last year, he wrote something that really made me think, and I hope that it will make all of you think too.

"I Am Just a Boy," by Mack.

"I am just a boy who didn't have any choices about the hell I have endured.

"I am just a boy who couldn't wait to go to school and learn and be liked.

"I am just a boy who wanted to make friends.

"I am just a boy who didn't get to realize this dream.

"I am just a boy who would walk around the playground alone and sad as I watched other kids play soccer and wished they would call me over to join in—just once.

"I am just a boy who never got picked for a team and was always last picked in gym class.

"I am just a boy who was teased for lacking in athletic ability and mocked for the way I run.

"I am just a boy who wanted to be accepted for my differences but liked more because of them.

"I am just a boy who doesn't understand why subtle yet constant badgering isn't considered bullying, yet it hurts just as much.

"I am just a boy who is tired of waiting for it to stop, waiting for adults to make kids accountable.

"I am just a boy who loves life, and laughter, and all the things that other kids like, and for that I am not different.

"I am just a boy who wonders if they think about the cruel things they say, the cruel things that they do."

Can you believe that? That is only a small part of Mack's thoughts and feelings. Can you imagine if you felt this way every single day?

How does this happen? How do we allow this to happen? Some 77% of students say they have been bullied. Bullying: We hear that word all the time, but do we ever really stop to think about what it means? Bullying means when a person is exposed over and over to negative action by one or more people and the person has a hard time defending himself or herself. Bullying is about power.

There are many forms of bullying, such as verbal—name-calling; social—leaving a person out; physical—kicking or hitting; cyber—using email or social networks to threaten someone; racial—saying bad things about a person's culture; religious—saying jokes about a person's religious beliefs; sexual—treating someone badly because of their gender; disability—making comments about someone with a disability.

We can stop bullying. We have the power. In fact, it's very simple. Some 77% of students say they have been bullied. Look around at all of the people in this room. That would mean that more than three quarters of us have been bullied.

We are all different. We all have things that make us unique. Should our differences make us the target? Among bullies, does this mean that it is bad to be different?

If we are tall, short, skinny or fat, should we be victims? No. We can stop bullying; we have the power. In fact, it's very simple. We just need to learn to accept everyone for who they are. That is the solution. If we could do that, there would be no bullying. Think about it. Kids are bullied because of size, looks, clothes, intelligence and athletic ability. If we could accept everyone

for who they are, then there would be no need to bully or pick on anyone.

If someone wanted to wear a green shirt with pink polka-dotted pants, let them. If someone wanted to sing out loud, let them. If someone wanted to dance around like a fool, let them, and join in.

If we took the time to think about how it would feel to not be accepted, we would realize that liking everyone for who they are is the right answer. Acceptance is the solution.

Have you been bullied? Has someone made you feel bad about yourself? Or maybe you're the bully. Acceptance is the solution. So, next time, think about it, because Mack is my friend and maybe, just maybe, if someone had thought about it, Mack would never have had to write that poem.

Ms. Lynne MacIntyre: Twelve years old.

Now I'm going to ask Kaleigh MacIntyre, my daughter, who normally fights with her brother, but she also loves him very much. Kaleigh.

Ms. Kaleigh MacIntyre: Hi. My name is Kaleigh, and I need your help. I'm sure everyone here today has been bullied at some point. In fact, I am sure that most of you have probably bullied someone, too.

But when I saw what was happening to my brother, I promised myself to never bully anyone, ever. I promised to help those who are being bullied because bullied kids need friends.

My brother has been through a lot, and my family has been through some really tough times because my brother has been the target of bullying for many years.

Sometimes my brother and I fight, but he doesn't deserve to be treated like this, especially by kids who don't even know him. Sometimes I worry he will give up, and that would be horrible.

I wish he could have those years back, so he could enjoy the things that most kids like to do, like sleepovers and birthday parties. But I know that can't happen.

So what would make me happy is to see that the anti-bullying act is passed. I don't really know what needs to happen to change the law, but I know that things need to change so it will get better for my brother and other children.

Will you, please, pass the bill to help my brother and other kids have a better chance of childhood?

Ms. Lynne MacIntyre: In closing, I would strongly recommend that you review all the recommendations before you today and throughout the week and pass anti-bullying legislation that provides the following: a clear definition of bullying; a law that protects all kids from all bullying; a law that is clear, concise and consistent; has clear accountabilities to those who are in power to keep our children safe; third party oversight to measure the successes and gaps; and appropriate measures and responses for the bully, the bystander and the victim.

On behalf of my son and the thousands of targets of bullies across Ontario, thank you for this opportunity.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It does conclude the time for

the presentation. I wanted to say earlier when you came in that it was suggested that we mention the age of the presenters, but obviously it had nothing to do with the quality of the presentations, because I sure wish I had a friend like Mack had.

Ms. Lynne MacIntyre: Thank you.

The Chair (Mr. Ernie Hardeman): So thank you very much for being here.

THE MISS G PROJECT FOR EQUITY IN EDUCATION

The Chair (Mr. Ernie Hardeman): The next delegation is the Miss G Project for Equity in Education. Thank you very much for coming in. We welcome you. As with the other delegations, you have 15 minutes to make your presentation. You can use any or all of that time. If there's any time left at the end of the presentation for questions, we will start this round of questions again—since we didn't get to do it last time, we will start with the government side in questions.

1510

When you start your presentation, if each one of you would introduce yourself for the Hansard so we can put it in the record as your being here. With that, the floor is yours, and so is our attention.

Ms. Alison Fisher: Thank you for the opportunity to present today. My name is Alison Fisher and I'm a doctoral candidate in the faculty of education at York University. I'm also a secondary school teacher, currently on temporary leave from the Toronto District School Board. I'm here today with Dr. Dominique Rivière, who is a research officer at the Centre for Urban Schooling at the Ontario Institute for Studies in Education at U of T; and Rebecca Roach, curriculum leader of student success and secondary teacher of English literature with the Toronto District School Board. We're here today as representatives for the Miss G Project.

The Miss G Project for Equity in Education is a grass-roots feminist organization working to combat all forms of oppression in and through education, including sexism, homophobia, racism, classism and ableism. With a focus on education and especially curriculum reform, our mandate is to provide young people with the opportunity, support and resources necessary to critically engage with the world and become active citizens on issues that affect their lives and futures.

The Miss G Project works closely with Ontario students and has facilitated workshops with hundreds of high school students across the province. We also work closely with teachers, administrators, professors of education, teachers in training, parents and other stakeholders by building networks, hosting conferences and providing teacher resources, among our other activities.

In January 2012, the Miss G Project struck an advisory panel of teachers, lawyers and education experts to examine the strengths and weaknesses of this proposed anti-bullying legislation, particularly Bill 13. Our report has been provided to the Standing Committee on Social

Policy and, in general, the advisory panel of the Miss G Project felt that Bills 13 and 14 are important steps in the right direction. We applaud all members of Parliament who have advocated for action on the serious issue of school violence and we support their efforts with these bills. We are pleased with the bill's explicit goal of supporting equity and inclusivity within Ontario schools, as stated in the bill's preamble, but that said, we are very concerned that without some serious revisions, the bill that is eventually passed may negate its positive outcomes by subjecting many students, including those it purports to help, to greater harms.

Our full 20-page report has been provided, but today we have chosen to highlight three main issues within our report and corresponding recommendations to the committee on these issues. Firstly, I will speak briefly to the issue of vagueness in language within Bill 13, which could lead to misinterpretation, rendering the bill both ineffectual and possibly even harmful. I will also speak to the need for the bill to situate school violence within part of a broader social context where systems of power and privilege circulate; Dr. Rivière will be speaking to the need for the government to ensure that adequate resources are provided for schools and communities to sufficiently address the issues of equity, inclusivity and violence in schools, as outlined in these bills; and, finally, Rebecca Roach will be addressing our recommendation that this legislation needs to emphasize preventive and proactive responses to school violence rather than punitive responses. Then I'll conclude with some final words.

I'll begin in speaking to our review of Bill 13 and the fact that many members of the Miss G advisory panel were concerned with the use of the term "bullying." The term "bullying" derives from psychological and behavioural understandings of conflict in schools. Thus, two students fight, and their behaviour is deemed inappropriate or requiring modification. By focusing solely on conflicts and behaviour between individuals, we miss important elements of school violence; and it is our belief that in missing these elements, we cannot properly address school violence.

As the deaths of Mitchell Wilson and Jamie Hubley demonstrated, school violence is often triggered by prejudicial or discriminatory attitudes in relation to social identities, such as ability, sexual orientation and gender identity, among other social locations.

The language of the bill must be modified to address this issue. Therefore, we suggest using terms such as "harassment" rather than "bullying" to underscore the seriousness of the issue and better acknowledge the social context in which incidents of school violence occur.

Schools are situated within broader communities, so school environments reflect the challenges that we face within our communities and societies, including issues of systemic discrimination and oppression. In this way, school violence and harassment are problems for all of us, not just for the groups of students who may be involved directly in an incident on school grounds. Thus,

Bill 13 and Bill 14 must acknowledge this reality and definitions regarding what constitutes school violence.

Additionally, our group is also concerned with section 303.1 of Bill 13, which acknowledges the need for school boards to support student actions on issues of equity in schools. Specifically, we are concerned with the word "or", which has been placed in between parts (c) and (d) of section 303.1. We believe that misinterpretation could arise with the section, whereby school boards must support student groups who raise awareness on issues of gender equity, anti-racism and disability rights, but they could potentially choose to support student groups who wish to raise awareness on issues of sexual orientation and gender identity. We believe this option is created with the use of "or" in between (c) and (d), and we recommend that that word be taken out of the document.

Moreover, we are also concerned with the word "or" as it is used in section 303.1(d). Here, school boards are asked to support students who wish to create student groups and organizations "with the name gay-straight alliance or another name." Again, we feel that this "or" should be taken out of Bill 13. Students have the right to create groups of their choosing and call it what they will, as long as such groups are in keeping with the Ontario Human Rights Code and the charter of human rights and freedoms.

Groups like GSAs are extremely important in raising awareness and support among students about issues of homophobia and heterosexism in schools and combating discrimination relating to sexual orientation. In keeping with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, schools must provide spaces for students to combat discriminatory attitudes and beliefs. Thank you.

Dr. Dominique Rivière: Thanks very much, Alison. As Alison mentioned, my name is Dominique Rivière, and I am the research officer at the Centre for Urban Schooling at the University of Toronto.

I'm going to speak more specifically about the kinds of assumptions the bill seems to make with respect to the resources and the ability of schools to implement this policy in a meaningful fashion. In particular, I was concerned that the bill assumes the neutrality of schools and that staff are already well equipped and/or know how to support and care for students who may be experiencing harassment or other forms of school violence.

Our idea is that we would like the policy to be able to empower school staff and students within the school community as a whole to create a safe and equitable school culture and care for students in a more productive way. To that end, we have a number of recommendations that we would like to see taken up in future drafts of the amendment.

First, we would like there to be equity resources for teachers and all school staff to be developed and made readily available to any school or school district who wishes to use them.

We would like to see the formation of a school equity committee that includes both students and teachers and

other school staff in order to address proactively the kinds of equity issues that may arise in their school.

We would like to see an additional equity-focused PD day for teachers. Currently, they only have four, which we think, just across the board, is not enough. We would like to have another one that deals specifically with equity issues and how to integrate these across all aspects of school culture and school operations.

We would like to see an equity officer in each school, such as what is currently in place in terms of student success teams. We think that it makes sense to have a student equity or school equity team in place as well.

Finally, we would like to see some direction with respect to having foundational and integrated education in faculties of education across Ontario so that pre-service teachers themselves can also develop the skills and language around school violence and harassment they will need to be able to respond appropriately and effectively when they come across these issues when they begin their teaching careers.

I realize that's a very long list. I would just also like to advocate that the ministry invest in the kinds of training and resources that will be necessary for teachers to be able to make these become a reality. Thank you.

Ms. Rebecca Roach: I'm Rebecca Roach. I'm a secondary teacher with the Toronto District School Board.

Our third of the recommendations that we'll be addressing today focuses on the concern that the bill's responses appear to be punitive, mostly, in nature. We would like to see this dovetail nicely with progressive discipline, and we suggest to the honourable members Keeping our Kids Safe at School Act, Bill 157, as a historical context for this bill and where Bill 13, the Accepting Schools Act, comes from.

We recommend, therefore, the use of restorative practices, conflict resolution and other anti-oppression methods rather than suspension and expulsion. We're firm believers that discipline in school needs to be reflective of the fact that the root word of "discipline" is Latin for "learning," that schools are not places for laying blame and dishing out pain, and that schools are, in fact, the best place for students to learn and flourish in an environment that promotes learning and discipline as learning, instead of punitive.

1520

Studies also show that it is young men of colour with learning exceptionalities who face exclusion from school in disproportionate numbers. We believe the bill itself is about education, and that separation of policy and curriculum is not useful—that we need to create pedagogical spaces for equity and safety. Schools are absolutely the best place in a community to work on this. We believe the bill needs to focus its energies on community-building and staff support.

We finally want to just emphasize that both of these bills came out of the concern for the safety and learning of all students. We need to keep the moral imperative present in this bill forever at the forefront of our minds.

Ms. Alison Fisher: I just want to conclude, in ending the presentation, by reminding all of us in this room that

these bills were brought forward partially as a result of the death of 15-year-old Jamie Hubley, a self-identified gay student who was harassed and bullied since grade 7 for his sexual orientation. This harassment culminated in Jamie taking his own life as a result of the harassment, which was not properly addressed. If we really want to protect students like Jamie Hubley in public schools across the province of Ontario, we must seriously address violence that stems from homophobic and heterosexist attitudes and discrimination in schools. If we continue to make education on homophobia optional, this bill will fail in its promise to protect Jamie Hubley and students like Jamie across Ontario schools. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about three and a half minutes left. We will go to the government side. Ms. MacCharles.

Ms. Tracy MacCharles: Thank you all for your presentation today and your thoughtful comments. We always hear new ideas from each delegation that comes in. I'm speaking as someone who has chaired school community councils for years and worked closely with the school board in my community. I also know it's hard to understand all the different things we've set up, and we do have a number of committees, as you may know, involving curriculum. We have a student advisory council to the minister and so forth. I'm just wondering, on your recommendation for a school equity committee, if your recommendation is that we stand alone, or could it be integrated in with some of the other committees and advisory councils that are already in place that may not have the same mandate, but some similar mandates?

Dr. Dominique Rivière: I can answer that. I would say, just as a quick response, it absolutely should be integrated, because equity is an issue that touches all aspects of the school. It's not something that can be hived off into a particular day or particular week or even a particular half-day. It touches curriculum, it touches policy, it touches pedagogy; it touches what happens on the playground in terms of which students organize themselves; it touches what happens in the lunchroom, depending on how students sit together and how students don't sit together. So absolutely, it has to be something that is integrated into the very foundation of the operation of the school. Otherwise, it does become meaningless over time.

Ms. Rebecca Roach: We see this bill as a real opportunity for shared leadership and changed leadership. We think, involved in that, that means making those community connections rather explicitly. Again, it's an exciting bill and it's a bill that we think really opens the opportunity to make equity responsibility something that we prioritize in our classrooms, and the way that we do that is through support and education of our school staff.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated. Thank you for taking time out of your busy schedule to be here with us today.

Ms. Rebecca Roach: Thank you.

CANADIAN CIVIL LIBERTIES ASSOCIATION

The Chair (Mr. Ernie Hardeman): Our next presentation is the Canadian Civil Liberties Association. Thank you very much for being here today. As with the previous delegation, you have 15 minutes to make your presentation. You can use any or all of the time that you have. If there's time left over for further questions from the committee, this round, we will start with the official opposition for the questions. We'd ask you to state your name into the microphone for Hansard to record and with that, the floor is yours, as is our attention. Thank you very much.

Ms. Noa Mendelsohn Aviv: Thank you very much, Mr. Chair. My name is Noa Mendelsohn Aviv. I'm the director of the equality program for the Canadian Civil Liberties Association. Mr. Koch is kindly handing out a summary of our recommendations. There will be a full submission arriving within the next few days.

I'm here with Natalia Makuch and Mallorie Malone, who are with CCLA.

I want to start by stating what I think is the obvious for everybody, and that is that we are happy to see this initiative. We applaud the spirit and the intention of Bill 13, and that's the most important point: that we should be protecting vulnerable students from the kind of bullying and harassment that they experience, bullying that can transform an important educational and development experience into a terrifying and traumatic experience. We're happy that the bill is seeking to offer students some of the resources and the protections that they need when they are the subject of bullying.

At the same time, there are certain concerns that we have with Bill 13—and our emphasis will be there—in that it may curtail unwanted student behaviour in a way that may impact students' fundamental rights in unnecessary and overreaching ways. The good intentions of the legislators should be carefully crafted in order not to create overly restrictive provisions and unjustifiable restrictions.

It should be pointed out, Mr. Chair, that these bills, and Bill 13 in particular, are addressing two relatively recent developments. It is fairly recent that legislators are taking on the task of trying to define and respond to and prohibit bullying. It is also fairly recent that schools are feeling the need to control and respond to off-campus behaviour and, in particular, online behaviour.

So we would urge this committee and we would urge this House to tread carefully when going into new territory, be mindful of the countervailing considerations and the fundamental rights of students, and not overreach in an attempt to do the good that this bill is trying to do.

While we recognize that schools are, of course, special places and that students need to be protected, there may be a space to limit student rights in certain circumstances where there is a material or substantial interference with learning. However, we also know that students in schools are also people in Canada under the law and, as such, are

entitled to the same basic rights and freedoms that all of us here in this room are, regardless of our age, and that includes the right to freedom of expression; freedom of association; freedom of thought, belief and opinion, life and security of the person; and the fundamental right to equality. I haven't listed all the rights in the charter, but all of those are implicated in Bill 13.

The rights and freedoms in the charter, the ones I've just mentioned, are essential for a healthy and functioning democratic society, and they're also essential in the education of our youth, who are going to be, with any luck, healthy and functioning democratic citizens. This has been affirmed in the Supreme Court of Canada in the case of A.M. They said that learning respect for those rights is essential to our democratic society and should be part of the education of all students. These values are best taught by example and may be undermined if the students' rights are ignored by those in authority.

I'll jump ahead now to the issue of gay-straight alliances, which, of course, takes us to the rights to freedom of expression and freedom of association.

It is a very sad but also very well-known fact that LGBTQ students are often the target of horrendous bullying, and more so than many other students in our schools. It is also a tragic and well-established fact that LGBTQ students have a disproportionately high rate of teen suicide, approximately four to seven times that of heterosexual teenagers. It is likely this that has led the Ontario ministry to create policies that explicitly mention GSAs and that has led to the mention of a group like a GSA in Bill 13.

As you've likely heard from several others—but I do feel the need to say it—the inclusion of the clause “or another name” is problematic. Certain school board trustees have already said that they will interpret this little phrase to mean that they will not allow students to choose the name of their clubs. This statement is consistent with the current situation in Ontario's Catholic schools and it is consistent with the recommendations made fairly recently by the Respecting Difference guidelines, produced by the Ontario Catholic School Trustees' Association.

1530

How a student club is named is a matter of fundamental rights, and barring any justified educational restriction, members of that club should be making the name of their club. It's a matter of autonomy. It is a matter of student empowerment, which is particularly important for a disrespected, often powerless, group. It is a matter of practicality of marketing and outreach. It is a matter of safety for those who need to know that there is a club available for them. It is a matter of sensitivity to the needs and nuances of the club, whether students want to call it the rainbow club to include transgender students, for example, or a gay-straight alliance. To prohibit students or not allow students to use their club name in itself sends a discriminatory and intolerant message.

But all of that is an aside because what we come down to at the end is that students have the fundamental and

constitutionally protected right to freedom of expression and freedom of association, as I said earlier, and it is not a choice for schools, boards or even for this honoured Legislative Assembly.

At the end of the day, it is the responsibility of this House to protect the safety and the freedoms of young people in schools. If certain school boards are violating student rights, as reportedly they are, if they are singling out LGBTQ students for discriminatory treatment, as reportedly they are, it is the responsibility of this Legislative Assembly to rectify the situation, to protect the youth and to protect their rights. For these reasons, we recommend the simple deletion of the words “or another name.”

We also note that in Bill 13, although there are several references to homophobia and sexual orientation, there is only one mention—in clause 9, the GSA clause—of gender identity. There is no mention of transphobia, yet it is trans students who are at an even greater risk of verbal, physical and sexual harassment than other sexual minority students. Bill 13 should be amended to include the terms “transphobia” and “gender identity” where relevant.

Next, I'd like to get on to the definition of “bullying” that is present in Bill 13. Because Bill 13 sets out disciplinary measures that may flow from the definition of bullying, we would ask this committee to consider carefully the definition. In this case, the definition contains many needed constraints, such as the need for repeated and aggressive behaviour and the important element of a power imbalance between bully and victim.

However, there are other elements, in particular the terms “fear” and “distress,” which could lead to the disciplining of students who wish to engage in discussions on matters of importance to them, just as we wish to engage in discussions on matters of importance to us.

For example, in a class discussing same-sex marriage in the United States, there may be a student with a sincere religious belief that homosexuality is wrong. If that student repeatedly and forcefully maintains their position in the context of that debate, that student's statements might be construed as bullying under the current definition. Conversely, a student supporting equality rights for LGBTQ peoples could also be accused of bullying if they wish to repeatedly and forcefully raise allegations against certain religious organizations, such as, for example, the allegation that some religions institutions are exporting homophobic movements to Africa and South America. Debate clubs may get into trouble for debating contentious issues. Social studies classes may not be able to talk about Israel, Palestinians or the Middle East. All of this, if forcefully and repeatedly discussed, if it causes fear or distress to students in a minority position, could lead to discipline. Even in the schoolyard, a student talking to friends could face discipline for forcefully and repeatedly criticizing her own religion. All that is required is another student who is a minority and who experiences distress or fear.

So CCLA will recommend that the definition of bullying be revisited, at least with respect to discipline. The

definition should be sensitive to minority voices and to unpopular views. It should protect students' basic rights, and it should make explicit mention of the rights of students to freedom of expression, association and equality.

But this does not mean that teachers, administrators, staff, educators and school boards should not act when behaviour and speech falls short of the punishable activity. There are a great deal of educational and behavioural approaches that an educator can and should employ in order to address negative behaviours. In fact, CCLA submits that it should be incumbent on school boards, administrators, social workers, teachers and staff to use various educational methods, even when the speech in question is not subject to discipline.

Educators should be alert to and obliged to consider intervening, like teaching, in situations that do not approach this threshold, such as situations when the speech may not be aggressive, it may not be targeted, but it might be insensitive and it might create an uncomfortable environment. It would not be inappropriate for a teacher to teach, if they heard use of the word “gay” as a pejorative term, for example.

In addition, with respect to definitions, “bullying,” in our submission should, only refer to behaviour affecting a pupil, as is the case in Bill 14.

Finally, I want to speak to penalties and disciplinary measures as proposed by Bill 13. Without repeating what I stated above, I want to add that schools should be encouraged to consider preventative and rehabilitative strategies and should not be requiring mandatory suspensions. There are a variety of technicalities that lead to the fact that students engaging in certain kinds of speech, certain kinds of activities, could find themselves subject to mandatory suspension in circumstances that we would find unacceptable, unthinkable.

For example, take the student I mentioned earlier standing with her friends on the playground repeatedly and aggressively discussing a situation that happened to her personally, criticizing her own religion for reasons that are truthful. If this causes harm or distress or fear to another student in a minority position, and if this speech can be viewed as an expression motivated by bias or hate based on religion—and it is not an implausible interpretation—this would result not in the possibility of suspension, but in mandatory suspension and all the harsher consequences that flow from section 310 of the Education Act, as amended by this bill.

CCLA is concerned that the proposed disciplinary measures, in particular, mandatory suspensions, are overly punitive. They do not preserve the educator's discretion to respond to situations based on circumstances. Harsher penalties are known not to be effective deterrents and, in any event, there are many situations of real-life bullying that will not meet the threshold of punishment and that must be addressed.

Finally, Mr. Chair, I'd like to speak to the issue of the disproportionate impact on minority groups. I recognize, again, that this committee has likely heard something on this matter, so I will say very briefly that the proposed

disciplinary measures here are especially worrying in light of the potential impact on certain minority groups, in particular, as we know, racialized students and students with emotional or developmental disabilities, and all of this is exacerbated in the context of mandatory suspension.

As a result, I will re-emphasize that this House should tread carefully in creating these new disciplinary and, in particular, mandatory disciplinary measures. In light of these potential risks, the Canadian Civil Liberties Association submits that in introducing disciplinary measures for bullying, Bill 13 should also provide for a requirement that schools monitor how students from minority groups are impacted and whether there is in fact a disproportionate impact on certain groups.

I'll conclude, Mr. Chair, simply by restating that measures against bullying are welcome. Those measures don't have to be disciplinary in total. They certainly shouldn't be mandatory. There are many things that educators and administrators can and must be doing and this should be written into the bill to protect students, and those protections—and this too should be written into the bill—should include their fundamental charter rights and freedoms. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. You had it right on the 15 minutes, so we thank you very much for your presentation.

Ms. Noa Mendelsohn Aviv: Thank you.

The Chair (Mr. Ernie Hardeman): We do appreciate you coming in and making the presentation to help us with our deliberations. So thank you again.

BLUEWATER CITIZENS FOR EDUCATION

The Chair (Mr. Ernie Hardeman): Our next delegation is Bluewater Citizens for Education. Thank you very much for coming in. As with the previous delegation, you have 15 minutes for your presentation. You can use any or all of it. If there's any time left at the end of the presentation, we will start with the opposition side in turning the floor over for questions and answers.

1540

If you will be so kind as to, at the start of your presentation, give Hansard your name for the record. With that, the floor is yours and we anxiously await your presentation.

Ms. Lesa McDougall: My name is Lesa McDougall. I represent Bluewater Citizens for Education and today, we're pleased to make this submission to the Standing Committee on Social Policy. We want to start by congratulating the government on their acknowledgement of the importance of legislation that would protect children.

I am a parent, a teacher and an advocate for public education that puts students first. I represent Bluewater Citizens for Education, a coalition that provides advocacy, support and access to information. We strive to promote accountability, transparency and open communication with all partners involved in a child's education. In

our advocacy, our goal is to promote a more positive relationship between ministry, school boards, communities and families, resulting in a safer school environment more conducive to excellence in education. We believe that all children have a right to be educated in an environment that is free of fear and harassment; indeed, the right to be safe and feel safe at school.

As advocates for safe schools, we share both bills' concern for strong public education that is the foundation of a productive and caring society. We also agree that bullying is an increasing problem that has dire consequences; further, that all partners have a role to play in creating a positive school climate and a safer school experience.

Overall, we'd have to say we're supportive of both bills' stated purpose to protect children; further, that bullying is a serious problem that requires a serious response. We're encouraged by the acknowledgement in both bills that current legislation falls short and that government needs to do more to ensure the safety of our children.

We're particularly pleased that both bills include:

- a belief that all students should feel safe at school;
- an understanding that students cannot reach their full potential when they feel insecure or intimidated;
- a recognition that a whole-school approach is required—government, educators, staff, parents, students and community;
- acknowledgement that there is a need for strong action to create safe environments and supports for all students;
- a definition of bullying; and
- the express desire to prevent bullying.

BC for E supports legislation that is all-encompassing and comprehensive as it pertains to creating safe and supportive environments for students in Ontario. We would like to see all parties working together in a spirit of co-operation to create safer schools for all our students. Together, we share this responsibility, and all of us need to be held to account. Parents, students, staff, administration, ministry—we're all partners in the business of promoting safe and healthy environments. The entire system and all of us need to be accountable to ensure the safety of our children.

I'm a parent, a teacher and an advocate. I didn't start out being an advocate; I started out being a teacher. Then I became a parent, and then I became an advocate. Bluewater Citizens for Education was born out of a sad realization for me personally and professionally that our system is broken and it needs to be fixed.

My son was assaulted on school property beginning in 2006, and for over a year and a half, it became a very, very overwhelming situation. I cannot adequately express the shock of realizing that my child was in a school in Ontario and unsafe; and that the adults who were in authority knew this, yet failed to judiciously apply the acts and laws that would have ensured his safety.

Ultimately, we removed our child from the only school he ever attended, out of the school that I attended,

out of the school where I taught in as a new teacher and served as chair of the parent council. I knew the protocols. I knew what should be done and what the protocols were supposed to accomplish and I followed them—to no avail.

As parents, we send our kids to school and expect them to be safe. Schools are in a position where they are surrogate parents with a duty of care. Yet the reality is that if a student is harmed while on school property, there is a risk that acts, policies or laws may or may not be implemented. School boards are autonomous, duly-constituted corporations that I have learned are accountable to no one.

In theory, school boards represent their constituents and, according to the ministry, are responsible for your child's education. But the role of trustee is a complex one that has been further eroded by Bill 177, and children are lost in the balance. School board governance is broken. It needs to be fixed.

The greatest irony in this sad traverse for our family is that the safest place for someone who is intent on wanting to inflict harm on a child is on school property. The rules just don't apply in the microcosm of the school community. An assault on school property might be "kids being kids" or dismissed as bullying, and done so at the discretion of the principal. To me, this was a revelation that I am still grappling with.

To be sure, Ontario does have some of the best teachers in the world. We have a great system. Our criticism is not of them; it is of the system and its failures.

As a parent, I've learned that I have to be my child's best advocate, but the system is such that the safety of children, though, is being left to the discretion of a few who, Lord willing, will apply the regulations, the acts and laws. However, there is a disconnect between what ought to happen in some cases and what, in reality, does happen in some boards. The safety of children should not be left to the discretion of those in a position of authority.

So we have some general recommendations today. Overarching them is the principal recommendation, which is that the current system needs to be accountable. The existing system is not. You're only as strong as your weakest link. The legislation currently allows for weak links.

There's no place for a parent in Ontario to go, should they believe their child is unsafe and their school board does not agree with them. As duly constituted corporations, school boards self-govern. This is not a bad thing in theory. However, as we have witnessed in Bluewater, the potential for crisis becomes reality when there is an absence of will to be accountable. Only after MP Larry Miller weighed into the debate, calling for "transparency, accountability, and good governance," and then-chair Yenssen declared the board "in crisis" did then-Minister Wynne send in supports. We've learned the system cannot self-police; even the Mounties don't do that.

The Ontario College of Teachers, mired in their own crisis, will merely direct parents back to their school boards. Of note here is the fact that the Ontario College

of Teachers has no appeal process. Even the College of Physicians and Surgeons of Ontario has such.

Second, the legislation must be clear and concise, and we've heard today a call from many groups that it must define "bullying." Call it what it is—assault, discrimination, a hate crime, whatever. Our submission offers a fuller definition drawing on the more comprehensive definition of Bill 14.

Further, the legislation must not create a hierarchy. The act must be for all, against all forms of bullying. The contentious nature of the language of Bill 13, section 303.1, leads not to unity in the battle against bullying, but a hierarchy. "When you name something, you exclude something else," said James Hubley's father, Allan Hubley—who committed suicide last fall.

Thirdly, we would agree that here needs to be Ombudsman oversight. This has already been discussed, but we would reiterate that there needs to be objective, arm's-length, third party oversight.

The legislation, too, must apply to all, not merely to pupils. We've learned of several situations, sadly, in our board where it wasn't pupils who were bullying others. Staff, administrators and the system need to be accountable as well within the legislation.

There need to be recommendations, as in Bill 14, that track the incidence of bullying. We would agree this is an important piece of the puzzle. You can't manage what you are not measuring, and sadly, that is the case in Ontario up to now.

On this point of Ombudsman oversight, Washington state has an education Ombudsman which provides a model as alternative to extending existing Ombudsman jurisdiction. They claim to resolve most of the complaints that enter into their realm and they do say that they resolve these complaints at a savings to the citizens of their state.

In conclusion, a society is only as strong as its commitment to protecting its most vulnerable; or as Dietrich Bonhoeffer once said, "The test of the morality of a society is what it does for its children." Let us demonstrate morality by doing what is right for children, by ensuring they, our most vulnerable and precious, are protected. It is our moral obligation, indeed, our duty, to do nothing less.

1550

We've given specific suggestions in the body of our submission, and I do hope that you will be able to take some time to look at those suggestions, too.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about three and a half to four minutes, and we will start with the opposition.

Ms. Lisa MacLeod: Thank you very much, Chair. Lesa, on a number of occasions you have appeared at Queen's Park on behalf of small business and on behalf of your son and on behalf of other parents. I just want to say thank you for putting so much effort into your presentation today. I think everyone heard you.

You know what is really impressive to me? When the parents come to Queen's Park. It's so easy for a lobby

firm or a GR person to prep somebody, but to me it's the authenticity that you and the other anti-bullying coalition parents brought today to talk about your kids' stories and what you're doing to make things a bit better in your own corner of the world and how we can help you on the ground do a lot better. I place far more credence in the moms and dads that come here. No offence to those with the slick lobby firms, but at the end of the day, I really like the people that come in and tell us what's going on, where the system is broken and how we can fix it. I just want to say thank you for doing that today.

Ms. Lesa McDougall: Thank you.

The Chair (Mr. Ernie Hardeman): Do we have any further comment from the third party?

Mr. Peter Tabuns: Lesa, thanks again for coming in today and presenting. It's quite a distance to come.

The whole question of saying the minister "shall" establish policies makes a lot of sense to me. Do you want to expand on your thinking there about how ministers respond when they can or must do something?

Ms. Lesa McDougall: We've made a recommendation in our submission today that that language gets tightened up. Language like the ministry "may" require school boards to do something, the ministry "may" ask that this happens, leaves weak links in the system that need to be tightened up. We have suggested in our submission that language like the ministry "shall" not only holds school boards to account, it holds ministries to account as well. And while I appreciate that most politicians want their life cycle at Queen's Park here to be one of longevity, that's not always the case, and advocates for kids and for safe schools don't want to have to rely on the next round of politicians to come in and rewrite legislation that tightens that up.

So, yes, you're right, Mr. Tabuns. We do want to see it tightened up so that the ministry holds school boards to account and, moreover, themselves to account.

Mr. Peter Tabuns: And you've seen instances where, in fact, that permissive language resulted in inaction?

Ms. Lesa McDougall: Yes.

Mr. Peter Tabuns: Could you talk to us about that?

Ms. Lesa McDougall: Well, not only did it lead to inaction, it led to bullying incidents that we've become aware of that have continued. In our board—we were a board in crisis, self-described crisis by our chair—there was an incident, more than one incident, of teacher-on-student bullying; assault, really, is what it was. And it was not dealt with as it would have been had it happened in a shopping mall, had a child been assaulted.

What we have learned is, even though police did get involved, that school board administration dealt with it and told the school they dealt with it, and the police allowed them to do whatever they wanted to do in that case. In fairness, I think the police thought that it was going to be handled appropriately.

As a former teacher, I certainly believed that our profession was one of integrity, and I still do believe that, but I do believe that we need to protect, with language, and it's vital to do so. If you leave a lapse, that's where

there's going to be a disconnect, and kids fall through the cracks.

Mr. Peter Tabuns: Okay. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Much appreciated.

Ms. Lesa McDougall: Thank you.

MR. JASON GOLLOHER

The Chair (Mr. Ernie Hardeman): Our next delegation is Jason—

Mr. Jason Golloher: Golloher.

The Chair (Mr. Ernie Hardeman): Golloher. Thank you very much. Jason, if you'll come forward. As with the previous delegation, you will have 15 minutes to make your presentation. You can use some or all of the time; if there's any time left over, we will have questions from the committee. We will start with the official government side.

If you could take the chair, because if you don't sit we can't hear the voice on the Hansard.

Mr. Jason Golloher: No problem.

The Chair (Mr. Ernie Hardeman): If you could also express your name for Hansard.

Mr. Jason Golloher: Jason Golloher.

The Chair (Mr. Ernie Hardeman): Very good. Thank you very much. With that, we'll turn the floor over to you for your presentation.

Mr. Jason Golloher: Sure. My name is Jason Golloher. I'm a forklift operator. I work 11 to 7. I have three kids. I'm here because of my kids, really.

I voted Liberal three times, and I'm also a Christian, which is a paradox. But I'm not a fan of Bill 13, and I'll tell you why: because I honestly believe that reverse discrimination is not the answer to the problem of discrimination. I honestly believe that. I honestly believe that it actually makes the problem worse, really worse. I believe that approaching bullying with bullying is not the way to go. I believe that Bill 13, at least the parts about putting criminal legislation for having a differing opinion from the government, is not good with me personally, or for my kids, the reason being that I think in the long run we're going to hurt our kids, we're going to hurt parents, and we're going to hurt the gay and lesbian community. I'll begin my presentation with that.

See, I honestly believe that—you know, we're trying to protect the gay and lesbian community, right? We have zero tolerance in our schools to deal with bullying, so I don't think that's so much the issue, because any kind of bullying is bad, whether it be for red hair or—I got bullied for having brown skin. I lived in Oshawa and there weren't very many black people in Oshawa at the time. I got beat up every day. It's not acceptable, for obvious reasons. That's a no-brainer, right?

If we infringe upon the rights of other communities, say, a Christian community, a Muslim community, a Punjabi community—and they all have beliefs about this subject, right? They all have beliefs on this subject, and if we endorse just one belief, then we insult the rest of

them. If we close down the debate by legislating only one opinion, a single opinion, then you're going to insult a lot of parents who don't agree with that opinion. You're going to shut down a debate. Punishing people who don't want to endorse or participate in the debate only polarizes them against whatever opinion you're trying to force upon them.

I honestly believe that we should endorse a free and open society with free and open debate. I think there should be gay clubs, I think there should be Christian clubs, I think there should be Muslim clubs, I think there should be Hindu clubs; and I honestly think one of the other reasons I'm here is because I may not agree with someone's opinion, but I'm here to fight for their right to say it, because free speech and free thought is really important. It's one of the hallmarks of having a multicultural society. It's the reason why a lot of the immigrants who are here in Toronto—and there's a lot of them from different backgrounds, and most of them voted Liberal or NDP; most of them voted Liberal—came here, to get away from that: having a government or an institution force their opinion upon them. I honestly believe that their opinions are valid and they have things to contribute; at least that's what we told them. I believe that personally, that multiculturalism is important, and through discriminating against other ethnic or cultural communities' opinions on any subject, especially within the forum of a public school, that actually causes the person not to want to participate in the debate. It will polarize them, solidify them in their opinion. I believe it'll cause a backlash against the government and the gay community. I honestly do.

1600

Second of all, I believe that our kids should have access to all information and all opinions. They should have the right to form an opinion for themselves, with all the information available to them, not just one opinion and one set of information being pushed on them through legislation; okay? That's where I stand. They should be able to freely think, freely debate, freely participate or freely not participate in any opinion that we have within our sphere of society or within our province that's created by all spheres of society.

As a society, we should come to a consensus about subjects. The only way to come to a consensus about subjects is to actually have the freedom to be able to talk about it.

My kids will be robbed of that. I had that freedom, but my kids won't have it. They'll be robbed of that. They'll be totally robbed of the opportunity to think about something and speak freely about it. Parents will be robbed of their opportunity to have input into their kids and protect their kids from opinions that they don't—or even debate with their kids about it.

Basically, I think that they should have choice. They should have information. Kids should be empowered and so should the parents. If not, what's going to happen is, I really believe that there will be a huge backlash. The gay and lesbian community and the government will hurt because of it.

I'm sorry, I'm not so eloquent and I don't know all the legal terms; I really don't. I'm not going to pretend to. But I do know this. This is what I would like to see happen: two things.

I would like to see kids have the right to form their own opinion on any subject, including, especially, sexuality. I think the best way to do that is, if we have to have the curriculum, maybe we should have it out of the public school so they can learn about reading, writing, arithmetic and being a kid, because I really want to protect my kids' innocence and my kids' childhood. I want them to have a wonderful, awesome childhood where they don't have to be mired in subjects that they have nothing to do with, because they don't have the physical capacity to even question sexuality because they haven't even received it yet, until at least the age of 13 or 14, which would make it high school. They would be forced to rely either on their parents or the school, or both, to form their opinion because they can't physically or mentally form an opinion, and what they would find is a clash. They would find confusion. They would find anger. They would find discord. And they would have to choose between one camp or another. Either way, it will bring hurt to a kid. Either way will bring hurt to a community and hurt to a family, if that makes sense.

I think the other way you can do it is, you allow parents the right to pull their kids out of this. I don't think that's the best way, but at least maybe they can protect their kids till the point where they feel their kids are ready to enter into such a debate, if that makes sense. But I honestly believe that if we cause someone else's opinion or one community's opinion that's different from all the others to become legislation or a hate crime, we're on a really slippery slope, because what are we going to legislate next that people can't say or feel or think? What's next? Maybe we don't like the Muslims' opinion. Maybe we don't like the Christians' opinion. Maybe we don't like—who knows? I know that in Germany and Russia, it led to really dark places.

That's basically my opinion. Allow our kids to have the mental and physical capacity to debate such a question. Give them all the information and empower them. When you empower our kids, you will empower communities within a public forum. Because if not, I know a lot of parents who are already debating withdrawing their kids from the school. A lot of them are talking about moving province, too.

You won't accomplish anything except for more prejudice, more hurt, more pain and more strife between communities, especially against the gay and lesbian community, because they will be the focal point of all the rest of the communities' anger at having their right to their opinion taken away from them. That's all I have to say.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about a minute and a half left. I'll ask the government if they have any questions. Mr. Delaney.

Mr. Bob Delaney: Well, Jason, let's start with what we have in common. I'm also a Liberal and a devout

Christian, so let's see if we have something else in common. Have you read the bill?

Mr. Jason Golloher: Yes. Most of it.

Mr. Bob Delaney: Okay. One of my colleagues will pass you a copy of the bill. Would you please tell me where in the bill, to use your own words, is "reverse discrimination" mandatory? I'd like to know that.

Mr. Jason Golloher: Hang on. I have a comparison here. I actually read the parts of the bill about four or five months ago—actually, not even; a month ago. It says here—where is it? You know, I would need some time to look over the bill and find out exactly where it was that I read the part of the bill that says that they're going to remove parental rights by the words "sexual orientation" inside the Education Act, by making it a legal matter of discrimination of parents on the subject.

Mr. Bob Delaney: So with the bill in your hands—and you're pretty much running out of time—would you care to write us back and let us know what specific sections of the bill you're opposed to?

Mr. Jason Golloher: I would love to.

Mr. Bob Delaney: Okay. Thank you very much.

Mr. Jason Golloher: I would love to. I have this thing that my friend sent me about the bill, and it quotes what the bill says, but it doesn't actually say where it says it inside the bill. If you want to see it, you can.

Mr. Bob Delaney: Now you have the bill, and I'd like to hear that from you.

The Chair (Mr. Ernie Hardeman): Thank you very much for the presentation. We very much appreciate the time that you took to come here and talk to us about your version of the bill. We appreciate that presentation, and we appreciate the help you've given us in our deliberations. So, thank you again for coming in.

Mr. Jason Golloher: Thank you very much.

PAN-ORTHODOX ASSOCIATION OF GREATER HAMILTON

EASTERN ORTHODOX CLERGY FELLOWSHIP OF TORONTO

The Chair (Mr. Ernie Hardeman): Our next delegation is the Pan-Orthodox Association of Greater Hamilton and Eastern Orthodox Clergy Fellowship of Toronto, if you would come forward. Thank you, gentlemen, for being here. We very much appreciate your participation.

As with previous delegations, we will have 15 minutes for your presentation. You can use any or all of that time. If you do leave time at the end of the presentation for questions, the next round of questioning will begin with the official opposition.

We'd also like to ask you, as you do your turn with speaking, if you would introduce yourself prior to speaking for the Hansard so we can record it into the panel. Thank you again for being here, and the floor is yours.

1610

Father Geoffrey Korz: Thank you, Mr. Chairman. Members of the committee, good afternoon. Please

accept our thanks for allowing us to speak before the committee on Bills 13 and 14.

My name is Father Geoffrey Korz and I am the dean of Ontario for the Orthodox Church in America and general secretary of the Pan-Orthodox Association of Greater Hamilton. With me are Father William Makarenko, the former chancellor of the Ukrainian Orthodox Church of Canada and president of the Pan-Orthodox Association of Greater Hamilton. To my right is Father Alexei Vassiouchkine of Christ the Saviour Russian Orthodox Cathedral, here in Toronto. Unable to be with us today is Father John Koulouras of the Greek Orthodox Metropolis of Toronto, president of the Eastern Orthodox Clergy Fellowship of Toronto.

Our clergy associations represent Eastern Orthodox churches from around the Golden Horseshoe, with about one quarter million faithful, about 2.5% of the province's population, almost all of which live in urban ridings.

Orthodox Christian communities across Ontario draw our members from a wide variety of cultural and linguistic groups, from Greece to Russia, North and Central Africa, the Middle East, Ukraine, Romania and the Far East, as well as a wide variety of other cultures.

I believe the members of the committee would agree that it is widely accepted that bullying is a genuine problem for students in Ontario schools. In every study one can find, a majority of students—often a vast majority—report being victims of some type of bullying. Yet the official data on the targets of bullying and violence paint a very different picture than the one we see in the preamble to Bill 13.

The preamble of the bill takes pains to outline each and every type of sexual self-identification that can be identified as a reason for being bullied. However, it does not elaborate in such a way about particular racial or cultural groups, nor about particular faith groups which may suffer targeted bullying. The emphasis of the preamble to Bill 13 certainly seems to reflect a preoccupation with bullying based on sexual self-identity.

In contrast to the proposed bill, Statistics Canada in their 2011 report on hate crimes indicates that bullying against religious groups is more than twice as common as bullying against self-identified gays and lesbians. Stats Canada further reported that the largest increase in that year was in attacks directed against people of traditional faiths, which increased 55% over two years.

Racially motivated bullying, not unexpectedly, was reported to be even more frequent than all other types of attacks. In fact, in 2009, Stats Canada reported that it was three Ontario cities—Ottawa, Toronto and Kitchener-Waterloo—that accounted for most of the increase in incidents of such attacks across Canada.

We must ask, why then does Bill 13 make repeated, special mention of LGBT anti-bullying initiatives, when such incidents represent only a fraction of the reality of bullying in Ontario schools?

In our communities, one can already see the impact in schools of initiatives and attitudes which have taken their cue from the introduction of Bill 13. For example, the

Hamilton-Wentworth District School Board anti-bullying resource document denigrates the traditional Christian view of sexual morality, calling it homophobic. In the same board, as part of the anti-bullying initiatives inspired by Bill 13, staff have already received talking points to counter parents who object, based on their faith, to LGBT-framed anti-bullying initiatives. I'd be pleased to provide that handout that the teachers received for the members of the committee.

The Toronto Catholic District School Board caved under pressure from its own staff to reject Roman Catholic teachings—in formal votes—and to adopt a number of anti-Catholic initiatives in anticipation of the guidelines proposed under Bill 13.

Anyone who has walked through the halls of an Ontario secondary school over the last year or so has also seen the sexually explicit pro-homosexualist posters being used in the name of combating bullying. Yet it is just this kind of material—this kind that emphasizes again and again the sexualization of young people—which is our concern when it comes to the impact of Bill 13.

We have already seen anti-bullying initiatives in local schools adopting strategies that have grown directly out of gay activism. In schools from Niagara to Hamilton to Kitchener to Toronto, pink T-shirt days, gay alliances, and stickers and poster campaigns designating gay-friendly classrooms are already underway, and Bill 13 enshrines them in law. Where I live, we have even seen one local elementary school host a cross-dressing day to oppose bullying against students who are confused about their gender.

All these initiatives have the very clear side effect—perhaps intended—of putting a spotlight on those who do not subscribe to their agenda and to undermine teachings from home, church, mosque, synagogue or temple that might teach something different about how we understand sexual identity.

By adding section 303.1(d), the establishment of gay-straight alliance clubs, or GSAs as they're known, the proposed Bill 13 rejects the traditional approach to human sexuality, marriage and modesty around sexual issues that is held by virtually every traditional culture around the world. It suggests that the views of one culture—a tiny, urban, liberal, white, elite subgroup of North American culture—are somehow entitled to trump the values and faith of almost every other faith and culture that make up our province. In these short but critical sections, Bill 13 reflects a very myopic, elitist, Western-centred view of the world and seems to be ideologically committed to imposing its own narrow doctrines on virtually every other cultural and religious group outside its own small circle.

Further, and perhaps most importantly, the establishment of gay-straight alliance clubs is an important part of the strategy to shift the centre of influence in the lives of struggling students away from the guidance of families and faith groups to the counsel of same-age teen peers. What does such a step say to the families with traditional faith and belief regarding sexual lifestyles?

Let me be clear: GSAs are not designed to combat bullying. They're designed to provide emotional support and affirmation for a variety of sexual lifestyles that contradict the path of virtually every traditional faith, including Orthodox Christianity.

As clergy, we must regularly deal with spiritual and personal counselling. As parents, it is truly frightening to us to imagine that our tax-funded schools would provide a forum in which the teachings of traditional faiths are undermined, and faith-based efforts to counsel our young faithful are contradicted in a public school by staff and guest speakers.

Just a few months ago in a secondary school in Dundas, Ontario, a woman who identified herself as a lesbian rabbi was brought in by school staff as a featured speaker at a school-wide anti-bullying assembly. Her purpose was not simply to speak out against bullying in general, or even to speak against the bullying of self-identified gay students. Her message was to attack the Old Testament, the scripture sacred to Christians and Jews, as an outdated, absurd document, and to tell students not to accept the beliefs of anyone who would follow it. Members of the committee, Bill 13 emboldens this kind of anti-religious attack, and this is the reason that any anti-bullying bill passed by this Legislature must not include any emphasis on one group over another, lest these small references be used as a hammer against people of faith.

Bill 13 in this respect is nothing new. It simply enshrines in law a variety of existing, highly ideological initiatives that exclude from public dialogue a wide spectrum of traditionally minded cultures and faiths.

Our task as spiritual leaders is to guide our faithful into lives that fully reflect the millennia-old teachings of our faith. Why on earth would members vote for a bill that would collide head-on with these efforts? Why would you undermine us?

As Orthodox Christians, most of our faithful come from places which experienced anti-religious persecution within living memory. I heard just the other day the story of a 94-year-old Serbian Orthodox woman living in our community who during the Second World War hid in a cave in a concentration camp in Yugoslavia while fascist soldiers searched outside, waiting for their chance to force her to deny her Orthodox Christian faith or die. You see, her faith was the problem for that government, just as it has been for Orthodox Christians living under the Ottoman Turks or the Communists or in countless other regimes. As priests of the Orthodox Church, we beg members, do not make our faith a target in Ontario's public schools under Bill 13.

Again, let me be clear: Orthodox Christians and others know how it feels to be targets. Any true and faithful Orthodox Christian would be the person most willing to stand up to protect the physical and emotional safety of a self-identified gay student. This is simply Christian mercy, but it is not agreement. With the provisions of Bill 13 allowing our faith and the traditional faiths of others to be labelled "homophobic" and "bigoted," On-

tario schools would actually undermine the positive contribution to our school communities of people of traditional faith and values. How can this be a positive step toward humanizing and civilizing our schools?

Most of the Orthodox Christian faithful in Ontario come from immigrant families, many of whom do not speak English, and most of whom are unlikely to speak up about this issue. They are working families who will not write letters, nor will they call their MPP or school trustee. But one thing they will do, almost invariably, is vote.

1620

Please ask yourselves, what will you say to families in your constituency of traditional faith who discover that their 14-year-old has been part of a GSA for months without parental approval?

What will you say to constituents who are concerned that Bill 13 and related regulations offer no exclusion for families who do not want their kids involved in GSA clubs, or from related curriculum in class?

What will you say to a voter at the door whose child has rejected their faith and cultural community because something they learned in a school club dramatically shifted their sense of faith and values against their family?

What will you say to faith leaders in your community who must, in their local high school Christian club, provide a variety of contrary world views but who would never be invited to speak at a high school assembly because this bill labels them “homophobic”?

Should Bill 13 pass with the inclusion of these inequitable sections favouring LGBT activism, members will also be faced with the question of how they will answer these concerns at the doors when they are circulated through the ethnic and religious media in the months ahead.

Let me urge the members, whatever bill you pass, please ensure it makes no distinction between the type of victim of bullying or the type of club that would support them. You have a good model in Bill 14, and I pray that you will take this opportunity to unite Ontario students and not to divide them.

Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have just a little over a minute left, so do we have any questions from the official opposition? Ms. MacLeod.

Ms. Lisa MacLeod: Thank you very much. I appreciate the opportunity you took today to speak to all of us. It was very kind of you to mention Bill 14, which is under my name but of course was drafted by Elizabeth Witmer, the former member from Kitchener–Waterloo.

I'm wondering if you could provide us with the Statistics Canada 2011 report on hate crimes. I would really like to see that, and provide and circulate it through our clerks so that we're all able to see it.

Father Geoffrey Korz: It's available online in a simple search, and I am circulating already the handouts

that were used in the Hamilton–Wentworth school board giving staff talking points against religious parents.

Ms. Lisa MacLeod: Okay. Thank you very much.

Father Geoffrey Korz: You're welcome. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you, gentlemen, for your presentation today. We very much appreciate your coming in.

YORK REGION ANTI-BULLYING COALITION

The Chair (Mr. Ernie Hardeman): Our next delegation is the York Region Anti-Bullying Coalition.

Ms. Karen Sebben: Hello.

The Chair (Mr. Ernie Hardeman): Hello.

Ms. Karen Sebben: Hi. Good afternoon. Can everybody hear me?

The Chair (Mr. Ernie Hardeman): Yes, we hear you.

Ms. Karen Sebben: I'm not hearing you as well. You're coming through a little quiet. I don't know if anything can be done about that.

The Chair (Mr. Ernie Hardeman): It's hard to believe that this committee is that quiet, but that is exactly what happened. We do hear you very well.

Ms. Karen Sebben: Okay, I'll begin, then.

The Chair (Mr. Ernie Hardeman): Okay, very good. Thank you.

Ms. Karen Sebben: Thank you. My name is Karen Sebben, and together with my son, we are the co-founders of the York Region Anti-Bullying Coalition.

I'm going to get straight to the point: Aggression between our students takes place because adults allow it to. Whether it's a child's parent, their teacher or a school administrator, the job of keeping our youth safe is ours.

On that first day of kindergarten, we drop them off at school and entrust the emotional, academic and physical well-being of our children to complete strangers. We do this because giving our children an education falls within the natural order of things, and therefore we just trust. We send them to school and we trust. We also do this because the law says we must educate our youth.

Raising a child does not come with an instruction manual. We use our best judgment and experiences from the past to do the best that we can. I taught my boys empathy, compassion, respect and manners, but when I was faced with a situation where the parents of other children did not do the same thing, we found ourselves in a dilemma.

When my youngest was in grade 8, he found himself in a situation where the adults in control were non-reactive or -receptive to a situation that my son found himself at the receiving end of. He was bullied by the same five peers for three school years. The reason this took place is because at that particular time policy wasn't worth the paper it was written on, policy was interpreted to protect our administrators, and the consequences chosen did not change the negative behaviour of his aggressors.

My son was 14 at that time and couldn't understand why adults did not feel he was worth protecting. He is 21 years old today, and if you ask him what stands out the most during those three years, he will tell you that he doesn't care about the five boys that pursued him so aggressively. He will tell you that he doesn't trust adults—the very people I taught him to go to for help if I was not around. My son turned to cutting his skin and self-medication because adults didn't do their job. There is no accountability built into our educational system.

My son was not identified as an LGBT youth, yet he was suicidal. What explicit protections will be built into this legislation to protect a child like him? Would a child like him have the same benefits as a LGBT youth through an alliance? Is anyone suggesting that he was not at risk for being bullied because he wasn't LGBT? Yet he suffered terribly for three years, was diagnosed with post-traumatic stress which ultimately led to social development and mental health issues, the same issues that a child who identifies as being LGBT might have. Would he have received the same legal counsel that Mr. Elliott is providing this clearly defined group of youth? I respectfully submit, how dare anyone suggest that one child's existence is more important than that of another child based on category?

I don't know if any members on this committee have experienced the social issue of bullying, but I'm going to ask if anyone actually knows what it feels like to exist on a daily basis wondering if your child will take his life while you're at work—and what's even worse, as a parent you kept sending him into that battle zone without protection of any kind. If you did, only then would you really realize what any kind of anti-bullying legislation should look like.

I have watched, read and listened to what has transpired in the House over the past few months, and I'm ashamed to be an Ontarian. Unless you have been in our shoes, or the shoes of a parent who has lost a child to suicide because of being bullied, I respectfully submit you have no idea.

My colleague Corina Morrison presented earlier today. We are like-minded, on the same page, and I do not want to repeat here what Mrs. Morrison had to say. But one thing is clear: Families like mine in this province are finding each other. This is taking place because so far the system has failed us miserably. We are growing in numbers, our voices are growing stronger and we will no longer tolerate being marginalized taxpayers. We are hard-working, taxpaying citizens who have the absolute right to be heard and not brushed off by our government.

Just to recap, anti-bullying legislation must include supports for all involved, including readily available resources for those whom we entrust our children to, data collection to see what actually works and to ensure fiscal responsibility of spending our hard-earned tax dollars, detailed prevention and safety plans, community education, a clear definition of bullying including duty of care, non-categorizing of our youth—because they are all at risk—and finally, supports for all involved, and accountability to those whom the system fails.

Thank you for the time. If there are any questions, I'll be pleased to answer them.

The Chair (Mr. Ernie Hardeman): Thank you very much, Karen, for the presentation. We do have about nine minutes left, so with that, we will start with the New Democratic Party for questions. Ms. DiNovo, do you have any questions?

Ms. Cheri DiNovo: Thank you, Mr. Chair. Thank you, Karen, for the presentation. I have no questions.

The Chair (Mr. Ernie Hardeman): For the Liberal side, Mr. Delaney? Ms. Damerla?

Ms. Dipika Damerla: Thank you, Chair, and thank you, Karen, for that presentation. As a mother of a child who once said to me, "Mom, nobody plays with me," I completely understand how hard it is as a parent to deal with a child who's being bullied.

I did have one very quick question, and that was, you say in your presentation, "Is anyone suggesting that he was not at risk for being bullied because he wasn't LGBT?" I just wanted to know, which part of our legislation do you think suggests that a child who's not LGBT is not considered at risk?

1630

Ms. Karen Sebben: No part of the legislation suggests that. That statement was made in reference to the mandatory implementation of gay-straight alliances. I refuse to be defined as homophobic simply because I do not agree with the implementation of GSAs. I was trying to make a comparison of a non-gay child to a gay student, and the risks associated with both those kinds of students who are being bullied for whatever reason.

My son was suicidal. We almost lost him. That's the only reason I made that reference. I feel that if you start categorizing a reason that our children are being bullied, such as GSAs, it opens the door to—how can I word it? If you label one and permit something, it takes away from another student. That's the best way I can explain that.

Ms. Dipika Damerla: Okay. Thank you.

Ms. Karen Sebben: Thank you for your time.

The Chair (Mr. Ernie Hardeman): Thank you very much. We now go to the official opposition and Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Karen. It's great to hear from you today. I want to quickly say thank you for an excellent presentation, but also for your advocacy in York region against bullying. You've done a great job.

You talked a little bit about accountability. Earlier today, the Ontario Principals' Council was in here to talk about supervision and minutes and things like that. It's not really something that we would address here, but I guess it's more or less something that would happen with negotiations in collective bargaining. Do you have a message for the Liberal government with respect to that?

Ms. Karen Sebben: Yes, I do. As with our own situation, it has been reported to me by many other parents that when they were going through the process of dealing with their teachers and administrators to resolve a situa-

tion of long-term aggression, nine out of 10 times, the parents came back to me and they were told that records were not kept of what transpired between the kids in question.

Without data collection, without record-keeping, without tracking, how can you effectively resolve one particular situation, and, at the same time, how can you track what is working and what is not working?

Our school boards are self-governing corporations. Corporations—you have to measure your commodities. You have to track where they go, cost etc. in order to do good business. We're not doing that with aggressive situations, and I think it must be done.

There are thousands and thousands of programs out there being implemented on taxpayers' dollars, and what works in one school might not work in another school. But if you're not tracking if they're even working, then it's money down the drain and it could be spent much better elsewhere.

Ms. Lisa MacLeod: Karen, just quickly, I know under Elizabeth Witmer's previous bill, which is now under my name, you had spoken in support of it. I'm wondering, if you had the ability to write your own bill today for the Ontario Legislature to review, what would it include?

Ms. Karen Sebben: It would include everything that Bill 14 has, and I would make the recommendation that Bill 13 be turned into an inclusive equity-type of legislation.

Ms. Lisa MacLeod: So you're suggesting, I guess—

Ms. Karen Sebben: There's some overlap between the two bills, of course, and I find that positive. But I am fearful of putting GSAs into legislation. Setting aside LGBT youth—if that same piece of legislation had been presented, for example, as being bullied because of colour, I would make the same argument.

Ms. Lisa MacLeod: Thanks very much. I appreciate it, Karen.

Ms. Karen Sebben: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much again for your presentation. We obviously will take your comments into consideration as we continue deliberations on these two bills. Thank you very much.

Ms. Karen Sebben: I thank everybody on the committee for their time. Have a good day.

CATHOLIC STUDENTS FOR GAY-STRAIGHT ALLIANCES

The Chair (Mr. Ernie Hardeman): The next delegation is the Catholic Students for Gay-Straight Alliances. Come forward. Welcome this afternoon. Thank you very much for being here. As with other delegations, you will have 15 minutes to make your presentation. You can use any or all of that time. If you have time left over at the end of your presentation, we'll open the floor if there are any questions. We will start with the third party this time around for the questions.

With that, thank you again for being here. We appreciate the fact that—as we mentioned earlier, we had some young people here, and we appreciate that the students from secondary education would be here too. So thank you very much for being here.

Ms. Leanne Iskander: No problem. My name is Leanne Iskander, and I'm here today representing Catholic Students for Gay-Straight Alliances, which is made up of students from various Catholic schools across several boards in Ontario.

All of the students in our organization recognize the importance of safe spaces like gay-straight alliances in all schools. All of these students have stories about the difficulties of coming out in a school environment, of being bullied and of trying to form gay-straight alliance groups, and of facing resistance from board and administration as they attempt to form these groups. So today, I'd like to share with you my story.

I came out at my school when I was 15 years old, at the end of grade 10. When I came out, I didn't have any other queer friends at my school, so the pushback I got from other students—the remarks, the comments and the insults—were difficult to deal with. A month or so after coming out, I met another gay student at my school and, with his support, along with the knowledge that I wasn't alone, it made everything so much easier to deal with.

In my 11th year, I befriended another queer student. She was going through a difficult time dealing with her family's lack of acceptance, and she told me that she feared her parents would kick her out of her home. I remember that in one conversation about this, she told me that what she really needed and wanted was a safe space in her school for LGBT students. Because of her family situation, she did not feel that she could start this group herself, and so I, wanting to support her, and knowing how much support I'd gotten from having just one other gay friend, decided that I would go ahead and try and start a club like that in our school.

The next day, I approached a teacher and asked how to go about starting a club. I gathered students interested in joining the group, sought out teacher support and wrote a proposal.

It was extremely disappointing when I learned that our proposal had been denied. The principal at my school had called me down to her office to explain that she could not allow me to form a group for queer students because it was not in line with Catholic teaching, because it would somehow be discriminatory against other minorities that did not have their own clubs, and that supports like guidance counsellors would be sufficient.

After the news spread about our group not being able to form, most teachers who had previously been supportive no longer wanted to be involved in pushing for the group out of fear for their jobs. Bullies, encouraged by our school's lack of acceptance towards us, targeted our group and the students in it. But despite the bullying, I am confident that the majority of students in my school support me in my efforts to form a GSA. This is also affirmed by the 2011 survey by the Ontario Catholic

student trustees' association, which shows that 88% of all students currently attending Catholic schools in Ontario believe that a student who wishes to form a gay-straight alliance should be able to do so.

My principal retired last year and has since expressed to me that she really wanted to allow us to form a gay-straight alliance, but the board would not permit her to. She said she felt terrible, as though she had failed to support us when she prevented us from forming a GSA, even though she was only following what the board had told her to do.

In my school, we were lucky. Because we had a principal who cared so much, she gave us more than the board had permitted her to. She allowed us to form a group for LGBT students, but she did not allow us to call it the name of our choosing. Instead, the group had to go by the more generic name Open Arms. The students in our group are still pushing to be able to call our group a gay-straight alliance, because we feel that that's important in signifying not only what the group is, but also that our school is accepting of queer students.

My point is that no one in my school community wants gay-straight alliances to be banned—not my teachers, not my principal and not the students. My teachers want to support gay-straight alliances, but can't overtly do so for fear of losing their jobs. My principal wanted to support queer students, but was under instructions from the board not to allow a group that would provide support. The students at my school want and need a support group, of the name of their choosing, but were deprived of that.

A week before the beginning of this school year, the superintendent from my board called my parents and I to a meeting. At the meeting, she insisted that the group we now had at our school was not a group specific to LGBT students and their allies, but instead it was a general equity group. She said that the group could not be student-run and that it was not to be a support group, because it should only be the responsibility of counselors and trained personnel to support queer, trans and questioning students. She told me that Catholic schools and school boards are not permitted to allow gay-straight alliances because the bishops prohibit it. She tried to discourage me from talking to the media and she threatened that if I continued to advocate for a gay-straight alliance, the school would take disciplinary action against me.

1640

I'm certainly not the only student in a Catholic school who's gotten pushback from boards and administration for trying to form a support group for queer and trans students. My girlfriend, who goes to another school in my board, faced adamant resistance from her school when she tried to form a group; and after she went to the media to share her story, the chaplain at her school yelled at her in front of her class and tried to turn other students against her. Students at another school in my board were given only a general equity group after asking for a gay-straight alliance for several years. The school has threat-

ened that if students try to start a gay-straight alliance, they will shut down the group that they currently have, depriving the students of what little support they're currently getting.

There must be specific protections for students who wish to form groups like gay-straight alliances in schools because students are being prevented from starting these groups, sometimes even punished for doing so, and they need these protections. No student in any school should have to fight their board and administration in order to have a safe space like a gay-straight alliance. That should be something that schools must allow.

It is also very important that students be able to choose the name of their group. Basically, if support groups are assigned generic names by the board, like ours was, then the groups will be less accessible to students who need that support because the group will be less recognizable as a support group for queer and trans students. Giving school boards an out by letting them determine the name of the support groups that students form is to allow school boards to continue to silence queer and trans students.

Bill 13 must pass with the protections for student groups like gay-straight alliances in it, and this must be amended to guarantee that students be the ones to name their groups. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about eight or nine minutes left, so we'll start with the third party. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Leanne, for yet again coming down here. I just want to, from our party, the New Democratic Party, and from our leader, Andrea Horwath, commend you for your incredible courage and bravery in putting yourself forward, not just once but twice here, and before the press. So thank you and thank you for all that you do.

I also wanted to direct your attention: Just before you came here to depute, the Canadian Civil Liberties Association deputed before us and pointed out that students have the right to choose the name of their club based on their fundamental and constitutionally protected freedoms in the charter and that the decision as to how a student club is named should, barring any justified educational restriction, be determined by the members of that club—that these are charter rights, as is your charter right to freedom of assembly.

That's some pretty compelling evidence. I'd certainly advise that you pick this up in your further endeavours and use that, because these are your charter rights under the charter, independent of what kind of school you go to.

I just really wanted to ask you how you could see this committee helping you in doing the brave work that you're doing. How would you see us operating to perhaps bring together these Bills 13 and 14 or to amend Bill 13 to assist in your endeavours? How would we go about doing that?

Ms. Leanne Iskander: In order to help us, we definitely have to have those protections for gay-straight

alliances in there, because there are so many students in our organization and just across Ontario who are being blocked from forming these groups. We're getting a lot of pushback from schools, so it's important that we have that protection. It's also really important that we be able to name our group what we want to. I think it should be amended to allow the student who wants to form the group the right to choose the name for their group.

Ms. Cheri DiNovo: Just to go back to the testimony we heard earlier, the same Canadian Civil Liberties Association suggested—and I'm not suggesting that we would bring this forward as the specific amendment, but they suggested removing “or another name” from that segment.

I know that there has been some concern that has arisen from Queer Ontario, from Ontario gay-straight alliance support groups and yourselves that that might water it down a little bit much and allow school boards some wiggle room. What do you think about that?

Ms. Leanne Iskander: Yeah. Students should be the ones who choose their name and not all students are going to want to go with the name “gay-straight alliance,” so it should be “and another name” as determined by students, so you're not forcing a name of a group on the students.

Ms. Cheri DiNovo: Right. But you should be allowed to call it that if you want.

Ms. Leanne Iskander: If we want to, yes.

Ms. Cheri DiNovo: Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much. The government: Mr. Delaney.

Mr. Bob Delaney: Thank you very much. You're a student at which school?

Ms. Leanne Iskander: St. Joseph Secondary School in Mississauga.

Mr. Bob Delaney: That's the one on Creditview?

Ms. Leanne Iskander: Yes.

Mr. Bob Delaney: Okay. Well, you're in my riding. Are there any other support groups in the school that help some of the kids get together and discuss some of their common issues?

Ms. Leanne Iskander: I think our group right now is the only active social-justice-type group in our school. I know other schools do have, like, general equity groups, but students don't find them as effective as having a gay-straight alliance would be.

Mr. Bob Delaney: Okay. I think Mr. Flynn has a few questions for you.

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair.

Leanne, thank you for what you're doing. Certainly I think some admiration has been expressed, and let me extend my own admiration to that.

There have been a lot of adults who have come before us over the past few days when we've had hearings, and a lot of spiritual leaders, a lot of members from organizations that I think are fairly large; some of them appear to be small. A lot of them have been speaking on your behalf or have been speaking about you. You deal

with the reality of what is the essence of a portion of this bill on a daily basis.

One of the views that has been expressed is that somehow if we pass Bill 13 as is, a portion of that bill would teach their children a homosexual agenda. Do you have an answer to that? You deal with this on a daily basis. You've got a club that's already formed. Is this something that you see at St. Joseph's?

Ms. Leanne Iskander: No. There are very few students who oppose what our group is doing. There are very few teachers who oppose what our group is doing. It's generally supported in our school community. There hasn't been any pushback. There haven't really been any students who have come to us and told us—like, there have been a few, but there haven't been any who told us to stop doing what we're doing because they think it's negatively affecting them in any way. Some people disagree with us on religious grounds, but we're not doing anything that would affect them.

Mr. Kevin Daniel Flynn: There are some people who have come forward with some very—they've become pretty emotional about it. They feel that it offends their faith. They feel that it offends their religious beliefs.

What happens at a typical meeting? Presumably it's after school or it's at lunch or something and everybody gets together in the same room. What happens?

Ms. Leanne Iskander: We just talk about whatever issues are facing students that they feel like they need to be talking about, whether it's dealing with difficulties at home or dealing with bullying, and then we also sometimes plan events just to raise awareness about bullying in our school.

Mr. Kevin Daniel Flynn: Okay. Do straight kids attend your meetings?

Ms. Leanne Iskander: Yes.

Mr. Kevin Daniel Flynn: Okay. And are they getting something out of it? Are they saying, “I didn't know this. I didn't know you were dealing with this”?

Ms. Leanne Iskander: Yes, definitely. We've definitely gotten, like, a lot of students—some of them who said they used to be homophobic but our group has changed their minds. It's definitely been great. Half our group is pretty much straight students, and they get as much out of it as we do. It's a very good kind of group for the whole school.

Mr. Kevin Daniel Flynn: Okay. As you said earlier, it took you a little while to get this accepted in the school or even allowed in the school. Is there anybody who jumps out at you, who comes to mind as somebody that may have changed their mind as a result of seeing this in practice, somebody who said, “You know, I've learned something from this,” or “I was opposed to it at the start, but now I think it's something that actually serves a purpose”? You said some of the straight kids perhaps before this experience had been homophobic themselves or thought perhaps they could be perceived as that. Is there any one event or any one person that sticks out in your mind?

Ms. Leanne Iskander: There was one grade 12 student last year who was in our group—he didn't join our

group; he was just helping us make videos and stuff, because he made a video about anti-bullying, and after working with our group he said that he used to be homophobic and that he felt that our group had really changed his mind.

Mr. Kevin Daniel Flynn: Okay. There were some people—I think they were perhaps misinterpreting the intent of the bill, but they felt that their kids or the students at the school would be compelled to attend these meetings; they'd be forced to attend. How do the kids find out about it, that there is a gay-straight alliance and that they're able to attend if they want to?

Ms. Leanne Iskander: Actually, at our school we had difficulty making our group accessible to people just because it's given such a generic name. When you hear, like, there's an "Open Arms" meeting on the announcements, you don't know what that is. So, for us, it would be better if we could say it's a gay-straight alliance so that students who need the support would be able to come to our meetings and know that the support is there. We also just do what every other club does: We advertise at the club fair; we have posters sometimes. But we're not forcing people to join. It's totally optional. It's just like any other club.

1650

Mr. Kevin Daniel Flynn: This issue—

The Chair (Mr. Ernie Hardeman): Thank you very much.

Mr. Kevin Daniel Flynn: That's it?

The Chair (Mr. Ernie Hardeman): Your time's up. Do the opposition have any questions?

Ms. Lisa MacLeod: Thanks. Kevin, do you have a few more questions?

Mr. Kevin Daniel Flynn: Just one.

Ms. Lisa MacLeod: Can I just say thank you, maybe, and then you go ahead?

Thanks very much for coming, Leanne. It's never easy to sort of look at all of us and do a presentation. How old are you?

Ms. Leanne Iskander: Seventeen.

Ms. Lisa MacLeod: Seventeen. You got through it and Kevin's given you some hard questions here. So I'll let Kevin finish asking the questions.

Mr. Kevin Daniel Flynn: Final question.

Ms. Lisa MacLeod: Yeah. He's got some really tough ones against Liberal cabinet ministers every couple of days.

Mr. Kevin Daniel Flynn: Obviously, you didn't get to this stage without a battle, without having to take on some people that students aren't supposed to take on typically. I'm sure there were some concerns expressed within the school community itself and within the faith community. Any response from parents that perhaps was negative at the start and is still negative, or was negative at the start and is now positive: any parents of friends, any opinions you've heard from the adults?

Ms. Leanne Iskander: From all the parents that I know, mostly the parents of students in our groups, they're really supportive of what we're doing and they

were really upset when the school didn't allow us to form a GSA. So directly from our school I haven't heard of any parents who have been opposed to this.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the 15 minutes. We thank you very much for coming forward, and not only coming forward but answering the questions so well. It will be of great assistance to us in our deliberations.

Ms. Leanne Iskander: Thank you.

TORONTO DISTRICT SCHOOL BOARD, CARING AND SAFE SCHOOLS AND GENDER BASED VIOLENCE PREVENTION

The Chair (Mr. Ernie Hardeman): Our next delegation is the Toronto District School Board, Caring and Safe Schools and Gender Based Violence Prevention. As we're preparing, as with other delegations, you have 15 minutes to use, all or any. If there's any left at the end of your presentation for questions, the next round we will start with the New Democrats.

Mr. Ken Jeffers: Thank you very much, committee members. My name is Ken Jeffers, and I am the coordinator for gender-based violence prevention at the Toronto District School Board. My colleague Ted Libera, the central coordinating principal for safe and caring schools, was supposed to join us this afternoon, but I'm afraid he was called away at an urgent school matter, so I will fill in Ted's parts for him.

I'd like to just start my remarks today by giving you some context of the work that I do in Toronto schools. The office I work in, gender-based violence prevention, deals with a whole range of issues in our schools, K to 12, across the entire system, and as you can imagine, it's everything from name-calling to sexual harassment, homophobia, up to and including very, very aggressive behaviours like sexual assault. So we're dealing with a wide range of issues and pieces of policy, and, of course, that includes putting prevention programs in place in schools, as well as ensuring that there is support for students who are victims of gender-based violence and so on.

But I also belong to a central committee at the school board, our positive school climate committee that has been in operation for the last couple of years, really since Bill 157 passed. That includes members across our system, a central team that collaborates regularly on building positive school climates in all of our schools in the TDSB, and that would include folks like our safe and caring schools, our social work, our psychology department, guidance, health and physical education, mental health, social work and so on. It's in that context that I really speak to you, that much broader context, today.

This term "bullying": I'm sure you've heard quite a bit about it by now, but in education speak it's become a bit of a nebulous morass that a whole bunch of assumptions are made about and behaviours are characterized about. I think the only thing that everyone probably would agree

on is that there are no quick-fix solutions to bullying. It has several underlying issues, and bullying oftentimes is a symptom of a number of those underlying issues. It's that underlying or foundational piece that I think Bill 13 really attempts to address, and I'm going to focus the majority of my comments on Bill 13.

I believe Bill 13 recognizes the fundamental connection between social grouping in society and those perceived to have less power and who are disproportionately affected by bullying and harassment. I also believe that the intent is to build on existing legislation and policy to ensure that positive school climates persist, and that would better ensure prevention better than any piece of discipline or any single program that we could deliver to students.

Really, I think the bill presents an excellent framework. In fact, I would say it's an opportunity in education to have a pivotal shift in our consciousness as educators and as an education system. But I think there are some key components that need to be amended to ensure this happens, and I just want to touch on a few of those.

Language changes: I see that in the current definitions of bullying in the bill, there is a bit of a move away from the way that bullying is currently defined in PPM 144, which has been in use for the last two and a half years by our administrators. I would really ask the committee to reflect that it's important we keep current language consistent. Our administrators would be responsible for investigations of bullying, and the key factors laid out in PPM 144 are that bullying is repeated, it's intentional and it involves an imbalance of power. I would really ask the committee to make sure that, as much as possible, the definition within Bill 13 reflects what the current definition is within the PPM so that it is easy for administrators to make the transition when the legislation becomes law.

I would also suggest that there is a need to define harassment much more clearly. There is an implication of it currently, and it's kind of confusing and mixed in the definition of bullying. I see and deal with harassment on a daily basis in our schools, and it is different—subtly different—from bullying. If you think of bullying as being intentional, involving an imbalance of power and being repeated, then think of a harassing event as a student who walks down the hallways, who is not particularly the target of any negative language, but who may hear terms like “fag” or “bitch” or “dyke” or “fat” or “retard” as peer groups joke around with one another. This language has become so pervasive within many of our schools, our hallways, cafeterias, playgrounds and so on that it has become background noise to day-to-day school activities. It is still a poisoned environment for students who identify as members of those social communities, and yet it would be captured under our current understanding of bullying.

So I would really, again, reinforce a recommendation that harassment be defined as it is already for all workers in Ontario under the Ontario workplace safety act. Bill 168 changed that language for us, and of course the

Ontario Human Rights Code also defines harassment, so it's a protection we already have in place for citizens of Ontario. I would think that it would only make good sense that we ensure our students enjoy the same protections.

I'd also recommend that the language from Bill 14 on cyberbullying, or much of it, be used in Bill 13. Although there is a passing reference to communication by electronic means, I think that Bill 13 much more clearly illustrates for our administrators, who would be the ones responsible for conducting investigations of allegations of cyberbullying, exactly what it is they would be looking for. And I would suggest that in that definition, it twins together a combination of bullying and harassment, and, really, throughout the entire Bill 13, if we understand the subtle differences between bullying and harassment. It's important to have those repeated throughout the document wherever bullying appears so that there is coverage for the unintentional and yet impactful behaviours as well as the intentional and repeated behaviours.

Lastly, under the area of language, I think it's also important to include transgender and gender non-conforming students and staff by ensuring that transphobia appears wherever homophobia appears in Bill 13 and that gender identity and gender expression appear wherever gender appears in the bill.

On the topic of professional development, which I see as a key piece to this legislation and ensuring that we're able to provide the programs and supports to successfully prevent bullying and harassment in schools, I would suggest that there is this notion, since Bill 157 passed, that all school-based staff in our systems are responsible for both responding to and reporting any incidents that they feel would be a breach of the code of conduct in a school. Yet we do not mandate any kind of professional development on any of our common professional development days on equity inclusion or, for that matter, on bullying and harassment prevention. I would think that it is key to put the tools in the hands of staff if the expectation is that they are to respond and report.

1700

I'll give you a very clear example. I was in a high school two months ago doing an assembly of students on bullying and sexual harassment in their school. There were 400 students assembled, and I asked them, “How many of you have witnessed in the last month an incident of sexual harassment or bullying in your school?” All 400 students put up their hands. Then I asked them, “How many of you have seen a staff person intervene?” One student put up their hand.

I don't think it's a lack of our staff caring; I think sometimes our staff are just not knowledgeable enough or perhaps not comfortable enough to take up the issue because they don't have the tools necessary to do it. I think the professional development is key to putting those tools in their hands.

Further to that, I would ask that faculties of education in the province of Ontario have mandatory credit courses on equity inclusivity curriculum and bullying prevention

and harassment strategies. That currently is voluntary in our faculty of education programs. Furthermore, the Ontario College of Teachers should be offering additional qualification credits for both teachers and supervisory officers to ensure those staff that are currently practising have a minimal amount of education to be able to do the job we're expecting of them.

On compliance and accountability, which I think, again, is another key plank, there seems to be a bit of a disconnect. I know Bill 13 mentions the school climate survey, and I know Bill 14 mentioned a couple of key pieces of data collection already existing in schools. That is, of course, Bill 157 reports—that's the report I just spoke about that staff are responsible for—and any safe schools suspensions or expulsions or interactions with police—violent incident reports. All schools collect this information. However, for some reason, we don't collate it, and the ministry doesn't obligate the boards to turn the information over to them or to publish it to the public.

I think we have a rare opportunity with all of these different pieces of data collection. The school climate survey finds out exactly how students are feeling in the school, the Bill 157 reports get at what staff are seeing and the suspension/expulsion data gets at what administrators are doing as a result. For example, very quickly, we could determine if you had 40% of a student population reporting that on a daily basis they're being bullied or harassed at school, and you had 200 staff Bill 157 forms filled out saying the exact same thing, yet we only had two suspensions that year, it would be very clear to us very quickly that that's a high-priority school to do some work in. I would think that the minister should collect this data on an annual or biannual basis and make regular reports to the Legislature so that the public is aware of how we are succeeding or not succeeding in terms of building positive school climates for all of our students.

Lastly, I want to talk a bit about student voice. I think too often in education and bullying and harassment prevention work, it only becomes part of the classroom discussion after an incident has happened. Even then, it's rarely given the same importance as subjects that relate to curricular expectations. Yet we know that empowering students with education and engaging them to take leadership among their peers can have a powerful impact on creating positive school climates. This education and engagement must be mandated for every student and provided for staff preventively rather than post-incident. Students must be encouraged and empowered to play a role in changing school climates and have their voices heard and their needs met.

When it comes to student groups, students need to have the right to determine their names and identities of such groups or clubs, particularly if administrations or boards are uncomfortable with the use of terms like "gay." To allow the determination based on discomfort with identification of any equity-seeking community denies students the basic rights of other Ontarians and effectively condones differential treatment and con-

tributes to poisoned environments through legislation. Therefore, club and group names to supporting positive school climates must be determined by pupils.

Lastly, the students have the ability to hold our system to account collectively for their own safety, with transparent complaint mechanisms in each board for students to report both perceived threats and lack of compliance with policy legislation or support structures for Bill 13—that this bill, I think, really strives to ensure to help create both a system of accountability and advocacy for students who are being harmed in their schools. Given that students don't have a right to appeal to the Ombudsman's office, or that separate school boards are outside the jurisdiction of the Ontario Human Rights Commission on certain issues, it's incumbent upon us, and hopefully this committee, to ensure that this piece of legislation allows for legitimate criticism, that complaints are not silenced but rather investigated and redressed by the minister when necessary.

Thank you for your consideration. I have a submission for you that has recommendations for the specific detailed language on the amendments that I'll leave with you. But I'll take any questions if there's time left.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have exhausted the 15 minutes, so we thank you very much for a very thorough presentation and we look forward to the recommendations. They will go into the record here for all the committee to see. Thank you again for presenting today.

Mr. Ken Jeffers: Thank you.

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

The Chair (Mr. Ernie Hardeman): The next presenter is the Ontario English Catholic Teachers' Association. As you're finding your place at the microphone, again, as with all, you have 15 minutes to make your presentation. You could use any or of all of that for your presentation. If there's any time left at the end, we will start the questions with the third party. Before you start your presentation, if you would include your name for the Hansard, for the record. With that, the floor is yours. We're looking forward to your presentation.

Mr. Kevin O'Dwyer: Thank you very much, Mr. Chairman. I appreciate the opportunity to speak. My name is Kevin O'Dwyer. I'm the president of the Ontario English Catholic Teachers' Association, representing about 45,000 men and women who teach in the Catholic schools funded publicly in this province. I'm here to speak, obviously, about the two bills. In particular, I want to speak to the first aspect of Bill 14.

Bill 14 is an amalgam of a number of PPMs, and we think it's the discipline arm that already exists. But what we have frustrations with as teachers is, part of the PPMs that currently say that when you submit a concern or an issue, there is a feedback mechanism—right now, it's either "action" or "no action" is checked off—teachers

do not receive what has been the determination or decision by administration.

I've heard people talk about professional development; I've heard people talk about those aspects. I submit to you that what's needed is a closed loop feedback system. When we submit that to our administration, we need to hear back from them what they're doing. So when we have to deal with the issue of bullying in the classroom, we know that that student has been followed up, the nature in which they've been followed up, the discipline that's been applied, and we can act appropriately as a teacher in that particular classroom.

We really think that's a missing piece in the current PPM and the guidelines that were provided. In Bill 14 we think that's missing as well, and we'd certainly encourage that to arrive into Bill 13.

I think for us, to separate out pretty clearly, is that with Bill 13—and it was great to hear some of the language earlier today—it's about creating a positive environment. Bill 14 and the PPMs that exist provide the discipline. That's not what's needed here. We need to step beyond the point of discipline, beyond the point of correcting the behaviour and the action, to create an environment which minimizes that action or behaviour from occurring. We believe Bill 13 puts its mind to that.

I'd like to be blunt: As a teacher of grade 10 phys ed, all boys, teaching sensuality and sexual education—GSAs are not about sex and not about sex ed.; it's about understanding and being aware of an environment in which someone has been marginalized. Twenty-five years ago, we had the same conversation. The marginalized group at that time? Black. We didn't have an all-inclusive committee that had a wide spread of varying diversities in that initial conversation. We went to the core, to the individuals who had those concerns. That's how that was raised.

1710

This doesn't walk differently than that. If these are legitimate—and they are—concerns to students, then they should be able to have an opportunity to bring those ideas forward, to have that conversation. If it involves other people, then that's going to be a healthy thing if we're going to create a positive environment for students to exist in. Failing that, we isolate the issue. Failing that, we allow certain silos to exist in the schools. We can't afford to do that.

Bill 13 has the possibility of allowing skilled facilitators to assist in those conversations. That's going to go beyond tolerance. Tolerance is what grandparents do on the weekend. They look forward to Monday. This isn't about tolerance; this is about total acceptance and recognition of our role in this environment. Bill 13 allows us to go ahead and do that.

The irony here is, I'm representing the Ontario English Catholic Teachers' Association. At our annual general meeting, we passed three resolutions, two specific to GSAs, overwhelmingly supporting. I want this particular committee to understand the democratic representation I bring to this microphone today and the overwhelming support of our members, who are demo-

cratically elected to represent the membership across this province. They were clear what the need is here.

At OECTA, we frankly aren't concerned about the name of the particular group. We're concerned that the work is done right, it's done with empowerment, it's done with respect, and it brings the issues forward and firmly so the broader conversation can happen within our schools, can happen within our communities. We believe that's part of our pastoral care as teachers in Catholic schools. Between the church's teaching, between the Human Rights Code, we believe as teachers in Catholic schools that we know where we have to go in order to represent a very sensitive issue that exists within our faith.

I know you've had faith leaders come here. I'm speaking as someone who's a layperson and someone who delivers that faith to students on a regular, daily basis.

It's extremely important that this conversation be far greater, too, than LGBT. We're starting to see research of a causal relationship between the language being used as ways to denigrate people. That same language of denigration, frankly, is about gender denigration. The way one gains power and support in that is to display some form of inappropriate language, inappropriate behaviour and, in some cases, sexual harassment and sexual assault. It's a complex issue. It can't be buried or mired in one simple idea, that GSAs teach sex. That's diminishing a far greater role that we have to take on, and I think this committee and this government have to get their minds around and bring forward something that's going to cover, assist and develop these young men and women. They are going into the community to take that very same skill set.

Let this legislation empower those events to happen. Don't let it restrict it. Don't use the stick. We need to create the environment in which we can have the conversation. In that is the mutual respect, and we can look in the face of those students and recognize ourselves in it.

Those two resolutions we passed: One supports the groups, in keeping with the philosophy and objectives of gay-straight alliances. That's what our membership said. They also want an inclusive learning and working environment for lesbian, gay, bisexual, transsexual, two-spirited and questioning individuals.

We should be about embracing, not about segregation and separation. We should be about having an environment that's going to allow those students to develop, a safe environment that's emotionally safe, that's physically safe, that's spiritually safe. That's what OECTA has identified in the onset. We continue on that particular line to make sure that students do have that opportunity for dialogue, for discussion and for self-worth.

We do have a submission for you. My preference, though, is to leave opportunity and time for questions. You'll be provided with that information. I think at this time, Mr. Chair, I'd like to leave it open to some questions, if I may.

The Chair (Mr. Ernie Hardeman): Okay. With that, we have about five minutes. We'll start with the third party.

Mr. Peter Tabuns: Kevin, thank you very much. I really appreciate it.

I want to go back to a recommendation you made about the teachers needing to know the outcomes of decisions on incidents of bullying. Could you talk about how things work now and the difficulties that that presents to teachers?

Mr. Kevin O'Dwyer: Currently, Bill 14 proposes an amendment to the Education Act that requires teachers to report any bullying they observe in their school. Under the bill, the principal will receive the report. They would be required to investigate and notify parents as well as law enforcement, if necessary. We would support that concept, but what we need is the verification back to the teacher.

So right now, I fill out a form. I hand it in. The principal or vice-principal looks at it. They check off; they have a conversation; they investigate. They just identify to me as a classroom teacher that there's either action or no action. I don't know what the course of the action is. Empower me as the individual in the room, who's going to manage that student, who, after discipline has been applied, has an opportunity to exhibit behaviour modification. But I need to understand it, the discipline, so that I can best work with that student in that environment, in that classroom, with dignity. Right now, we don't get that information back.

We tell our members: When you submit that, photocopy it, because we don't know where it's going to show up again—whether it's going to be in a discipline meeting or where else. So we identify to our members right off the top: Photocopy that, save a copy for your file.

Mr. Peter Tabuns: Okay. Thank you. Ms. DiNovo?

Ms. Cheri DiNovo: Thank you, Kevin, for presenting. Thank you, Cheryl, for being here as well, and for all the incredible work that you do.

I just note that you have noted that we've often heard about other forms of bullying, but you've noted, and I think it's significant, that LGBTQ youth die by suicide four times more often than heterosexual youth. That statistic alone says it all, in terms of what we're trying to do here to protect the lives of our children, which is the real reason that we're all gathered here this afternoon.

As a Christian minister, I also want to thank you very, very much for pointing out that not all Christians think alike and that not all people of any community think alike; and that presenting a unified view of who we are, even within Roman Catholicism, is very, very misleading.

Thank you for all the work OECTA has done. It's been more than groundbreaking, it's been earth-shattering. Thank you for doing it on behalf of your students.

Mr. Kevin O'Dwyer: Thank you.

The Chair (Mr. Ernie Hardeman): We have about one minute. If you can keep it short—no second question.

Mr. Kevin Daniel Flynn: I can. That's fine, Chair. Thank you, Kevin and Cheryl, for being here today.

We had a young lady speak, about two delegations ago, and she gave us the sort of reality of what it's like to

be in a Catholic high school dealing with some of the issues. What's it like on the ground for a teacher who's trying to deal with those same issues?

Mr. Kevin O'Dwyer: It's ironic. I'm a teacher from Dufferin-Peel. I was the local president there. I know the school, St. Joe's, very, very well. I know there's staff there that are extremely supportive and I know there are staff in other places across Ontario that are.

For me, as a teacher, that becomes a skill set: How do you skin this cat? How do you walk between that fine line? For me, it's pretty simple: GSAs are about a process of evolving individuals, not just the students who attend—not just the gay students, the lesbian students or the straight students. It's about putting forward a pretty good and strong step in our school environment. That's what it is.

I have less difficulty being a facilitator of a GSA, or whatever name the students choose to call it, because it's going to be about understanding; it's going to be about a great set of skills, of letting those students learn those skill sets.

1720

So for me, the frustration part is, when it does get publicized, people get paralyzed. They get paralyzed in the church's teachings, they get paralyzed in the liabilities, and we forget the face of what we're there for.

As the Good Samaritan did—it wasn't the priest that helped, it wasn't the lawyer that helped; it was someone who thought, "You know what? I've got to get off this donkey and help somebody," and they did. I think most teachers are walking in that whole Samaritan spirit.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Okay, that concludes that presentation.

CHRISTIAN HERITAGE PARTY OF CANADA

The Chair (Mr. Ernie Hardeman): Our next one is the Christian Heritage Party of Canada. Thank you very much.

Interjection.

The Chair (Mr. Ernie Hardeman): Yes, the clerk will be getting that, and he can pass it around.

As with the previous delegations—I believe you were present—there's 15 minutes for the presentation. We would ask that you do state your name before you start. You're entitled to the full 15 minutes, if you wish it, for your presentation. If there's time left at the end of your presentation, we will have questions from the committee. This one will start with the official opposition.

Mr. Jim Enos: Okay. I tend to be under nine minutes, actually. My name is Jim Enos and I am representing the Christian Heritage Party.

Good evening. My name is Jim Enos and I have been appointed to represent Ontario supporters of the Christian Heritage Party of Canada in speaking to the proposed Bill 13. I am thankful for this opportunity to speak on this bill

regarding its stated goal and to examine the successfulness of this bill in meeting the goal.

It has been said that the world is divided not so much by geographic boundaries as by religious and cultural traditions; by people's most deeply held beliefs: world views. Our lives are defined by our ultimate beliefs more sharply than by any other factors.

As a biblically founded Christian organization, CHP Canada believes that there is a transcendent God, who existed before the world existed and who has revealed an absolute and unchanging standard of right and wrong, based ultimately on His holy character. Perhaps some of us here today would identify with this world view. Others believe that nature is all there is, there is no transcendent source of moral truth and that mankind is left to construct morality based on polls, political strength and so on.

I believe that Bill 13, perhaps, is mankind's attempt, in a partial way, to cause opposing world views to live peacefully side by side by taking strong steps in preventing schoolyard bullying. Its desire, perhaps, is to prevent the abuse of authority and those using power, through intimidation or violence, to demean and hurt others in society; and to prevent bullies from forcing dissenters to abandon their world view, or at least be silent about it—that is, leave their personal convictions at home.

Prevention of bullying of all persons in society is certainly an honourable ideal. Does Bill 13 accomplish this?

On examining the bill, we note the following three points:

(1) There is usage of the terms “bias” and “prejudice,” which are understood to mean unfounded preferences and opinions formed without evidence or sincere consideration.

Having served for the full two-year tenure on the sexual orientation steering committee for the equity policy of my local school board, my experience was that when positions were presented, along with the evidence on which they were based, we were ignored, shut down and negatively labelled. Our positions were neither biased nor prejudiced.

Our children and families today are labelled within the equity policy as homophobic and heterosexist, despite the fact that our position is evidence-based, neither biased nor prejudiced. We are bullied by equity policies for our evidence-based world view.

(2) We note that the second paragraph of the preamble alludes to the prevention of bullying of all pupils, without adding any reference to particular groups. However, within the actual body of the bill, we see the term “all” followed by “including” specific groups or categories. The term “all” is sufficient; however, adding specific and special categories to the term “all” weakens its meaning by limiting it to some specific categories, or at least suggesting that some categories will receive special regard and perhaps trump other categories or groups when differing world views collide. This is currently the case in Hamilton.

Example: Section 9, the Education Act is amended by adding the following section:

“Board support for certain pupil activities and organizations

“303.1 Every board shall support pupils who want to establish and lead ...

“(d) activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.”

Section 9 illustrates our concerns with special categories by naming an already established group, which is controversial and opposed to by many in our society, including CHP Canada. The opposition to this specific group comes from traditionally minded families within public schools and Catholic boards.

I suggest to you today to remove the name “gay-straight alliance” and replace it with “Christ-world alliance.” If we are not willing to replace “gay-straight alliance” with “Christ-world alliance,” then Bill 13 is not a people's bill; rather, it's a group's agenda to trump one world view over another, which will lead to more bullying through the abuse of power and authority.

(3) We note that Bill 13's influence is not confined to bullying pupils of public education who will not conform to the state world view. It also takes aim at other persons or groups who wish to rent school board facilities.

Under section 7, the bill reads:

“(3.1) If a board enters into an agreement with another person or entity, other than a board, respecting the use of a school operated by the board, the board shall include in the agreement a requirement that the person or entity follow standards that are consistent with the code of conduct.”

Translated: If a group with a world view in contrast to that of the state applies for rental, they will be rejected.

In Canada today, when a church declines to rent their facilities to a same-sex union event, they are persecuted and prosecuted by the human rights commissions. However, when the state declines to rent publicly funded facilities to a church, then Bill 13 permits this in the name of bullying prevention. State world view trumps church world view.

Summary: Protection of all people from intimidation or for any reason is an honourable goal. However, sheltering all or any world views from public scrutiny, discussion, dialogue or debate is restrictive of freedom of thought and expression.

State world views which penalize peaceful and rational thought and dismiss medical and scientific evidence as discrimination are representative of a totalitarian state.

State efforts to free society from transcending moral standards and penalize those who adhere to those moral standards are wicked at the root and reflective of throwing Christians to the lions for the crime of not acknowledging Caesar as Lord.

Bill 13 is guilty of all three offences above and thus is not acceptable in a free and democratic society.

Our recommendations:

(1) Replace Bill 13 with a bill designed to protect all students and peoples and groups from bullying.

(2) Recognize that while all people deserve protection from bullying, no world view should be sheltered from public scrutiny, discussion, dialogue or debate.

In closing, I offer the following quote from Chief Justice McLachlin in the *Chamberlain v. Surrey School District 36*: "As my colleague points out, the demand for tolerance cannot be interpreted as the demand to approve of another person's beliefs or practices. When we ask people to be tolerant of others, we do not ask them to abandon their personal convictions."

1730

We look forward to a bullying prevention bill that does not demand our families to approve of another person's beliefs or practices, a bill which does not ask us to abandon our own personal convictions. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about four minutes left and we start with the official opposition, if you have any questions. Ms. McKenna.

Mrs. Jane McKenna: Jim, I'd like to say thank you so much for your presentation. It's phenomenal for me, for the first time around in here, to see the passion that people bring when they're sitting here, and I'm sure it is very intimidating. I know it is for myself, so I can't imagine for yourself. Anyway, thank you so much.

Mr. Jim Enos: You're welcome.

Mrs. Jane McKenna: I very much liked your presentation. Thank you for coming.

Mr. Jim Enos: Thank you.

The Chair (Mr. Ernie Hardeman): Mr. Tabuns?

Mr. Peter Tabuns: No questions, thanks, Chair.

The Chair (Mr. Ernie Hardeman): Thank you. To the government side.

Mr. Kevin Daniel Flynn: A couple of questions. I think Dipika is going to go first.

Ms. Dipika Damerla: Again, Mr. Enos, thank you so much for your presentation and for coming down. I just had a couple of questions.

One was, you talked about church-world alliance—

Mr. Jim Enos: Christ-world alliance. Yes, I did.

Ms. Dipika Damerla: Christ-world alliance.

Mr. Jim Enos: Fair enough. Thank you.

Ms. Dipika Damerla: And I just wanted to ask you, did you think there was anything in Bill 13 that would stop a school from having such an alliance?

Mr. Jim Enos: Well, first of all, my experience of what's going on in the schools today is a very clear indication of that.

Ms. Dipika Damerla: No, but is there anything in the bill itself that would—

Mr. Jim Enos: Yes, there is.

Ms. Dipika Damerla: Where would that be?

Mr. Jim Enos: By the special categories named.

Ms. Dipika Damerla: I understand that, but where does it—

Mr. Jim Enos: By naming special categories in the bill, rather than saying all people.

Ms. Dipika Damerla: Okay. My second question is, can you please clarify that the legislation isn't impacting religious groups that use school space?

Mr. Jim Enos: I'm having a hard time hearing. Sorry. Could you use the mike?

Ms. Dipika Damerla: Sorry. I'm going to repeat that. Can you please clarify that the legislation isn't impacting religious groups that use school space?

Mr. Jim Enos: Could I clarify that it is not?

Ms. Dipika Damerla: Yes.

Mr. Jim Enos: Well, because in item 7 of the bill, or section 7—I guess I would call it item 7 of the bill—as I read it, if you don't support Bill 13 as written, then you're not permitted to rent school facilities. That's written right in the bill.

Ms. Dipika Damerla: So you're saying that if you don't support—

Mr. Jim Enos: —Bill 13 as written, then you're not permitted to—

Mrs. Liz Sandals: It says the school code of conduct—

Mr. Jim Enos: Sorry. I'm trying to answer this lady. Your turn is coming.

Now, the answer is that it's in item 7 where it says that those who don't condone—I forget the exact words. I can go back and read, if you wish.

Item 7, (3.1): "If a board enters into an agreement with another person or entity, other than a board, respecting the use of a school operated by the board, the board shall include in the agreement a requirement that the person or entity follow standards that are consistent with the code of conduct." So I would say that if you're not in agreement with Bill 13, if your church would speak on topics which are controversial to Bill 13, you would not be permitted to rent the facilities. That's how I interpret that, yes.

Ms. Dipika Damerla: Just for clarification, in your personal opinion, which code of conduct in Bill 13 is it that you wouldn't be comfortable with?

Mr. Jim Enos: Well, I don't know all the—I'm just speaking to Bill 13 today. I don't profess to know all the codes of conduct in each school and so on. That's the honest answer I can give you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We appreciate your attendance.

MS. YVONNE HALEY

The Chair (Mr. Ernie Hardeman): Our next delegation is Yvonne Haley. Again, thank you very much for coming. As with the other delegations, you will have 15 minutes to make your presentation. Any part of that which you do not use we will turn over to the committee if they have any questions to your presentation. If you would be so kind as to start your presentation with giving your name for Hansard so we can keep track of who was

speaking to us today, and from there on, the floor is yours.

Ms. Yvonne Haley: Good afternoon, distinguished members of the committee. Thanks for this opportunity to come and speak to you today. My name is Yvonne Haley. I am trained as a dentist, but I'm here today in my role as a mother of three children in our public school system; right now, they're in grade 2, JK and SK.

Having become aware of Bills 13 and 14, I've taken the time to become familiar with both bills and read them. As well, I've been following a lot of the debate online that happened in second reading and following the Hansard transcripts of last week's proceedings here. In doing so, I've really sensed the determination from all MPPs, across parties, to do the right thing for our children, to make our schools more safe and inclusive. So I come here today to honour the members of this House in that, and I come in the spirit of co-operation with this committee, to truly bring forth the best bill possible for our children.

Of course I don't want to see my children bullied, but there seems to be a good statistical chance that they might be at some point, and if they are, I am concerned about how Bill 13 would treat them. It appears that they might receive less support because they would not identify with one of the four groups that are highlighted in Bill 13. If my child's issue was his big ears, let's say, and not one of gender identity, racism, disability or sexual orientation, would my child be allowed to form a support club? It appears not, and that only these four groups are given that special status. That, to me, seems intrinsically unfair, and a double blow, considering that these children are already being treated unfairly. I feel that if this bill wants to truly, comprehensively and fairly deal with bullying, then it should allow for any bullied child to form a support group of some type. True, I see that that could end up with a lot of single-issue-specific clubs, but that would only be fair and equitable, wouldn't it?

The alternative, which seems to me to be a better solution, is to allow bullied children to come together in one club, regardless of the reason for bullying. Children who have similar stories may still come together as sub-clubs within that club, and that may be where the GSAs would fit in. And what if there was only one child within a given school population who identified as being bullied because of sexual orientation? This larger club would still allow him to connect with other bullied kids. Even better would be to have this group open to any student who wishes to support and protect bullied children and work together on awareness and prevention. Make it cool to care, to be a friend and protector to the vulnerable.

I read in the Hansard transcripts that last Tuesday, a gentleman named Anthony McLean presented to this committee. He's the one who has done bullying prevention work in 11 different school boards in Ontario. Mr. McLean said that he lives and eats and breathes bullying prevention—it's what he does—so I paid a lot of attention to what he had to say on the issue.

He advised against issue-specific clubs. Although the intention in providing these is good, these clubs tend to separate and segregate students, putting them in proverbial boxes. He saw a strength in bringing kids together, out of the boxes, dialoguing and getting to know each other. Wouldn't this larger equity club provide for exactly that, as well as support each bullied child? In my estimation, this seems a much more equitable and preferable solution for all kids in our schools.

Therefore, I recommend that section 9 of Bill 13 be amended to read:

"The act is amended by adding the following section:

"Board support for equity/respect activities and organizations

"303.1 Every board shall support pupils who want to establish activities or organizations that promote equity and respect."

This format would also be acceptable, I believe, to the Ontario Catholic School Trustees' Association, as it is congruent with their Respecting Difference document, a real breakthrough in honouring difference in students while also respecting Catholic religion and education.

This solution would be fair to my child. It would be fair to all bullied children, treating them equitably yet allowing for their individual expression. And it would be the best at getting the rest of the school population involved with understanding, supporting and protecting all bullied kids.

Now, an even better solution, in my appraisal, ladies and gentlemen of the committee, would be to put this amended section into Bill 14, now officially Bill 80, I believe. I have studied both bills and they have some similarities, but I find the strength of Bill 13 is where it addresses the aforementioned support clubs. In other respects, I find Bill 14 to be the better bill. Now I will explain why I believe this to be the case.

(1) Bill 14 provides a more comprehensive definition of bullying, while being designed to include all possible reasons for bullying.

1740

(2) Bill 14 addresses cyberbullying much more thoroughly. I think this should be an important issue for this committee. As you know, this is a fast-growing area of bullying that requires specific interventions and needs to be thoroughly addressed.

(3) There would seem to be stronger accountability in the annual reporting of bullying incidents by principals to the school board and ministry that Bill 14 provides compared to the biannual surveys offered by Bill 13.

(4) Bill 14's bullying prevention plans allow for input from the individual school boards, in consultation with parents. Bill 13 does not appear to have any parental consultation as part of its strategy development. For me, this is a major weakness.

(5) Bill 13, section 7 adds a new subsection concerning agreements with third parties on use of schools. This stipulates that the person or entity using the school must follow standards that are consistent with the code of conduct, as our last speaker was referring to. This subsection

could become a problem for community groups desiring to rent or use school space after hours. What if a Jewish group desired to hold a ceremony there? Could discussion of their religious texts on areas such as marriage and sexuality be a violation of this code of conduct? I don't know. It shouldn't be.

(6) In section 2 of Bill 13, paragraph 29.1 of subsection 8 is amended to require boards to develop and implement an equity and inclusive education policy that the minister may direct changes to. I feel more clarification and specifics are needed here as much concern has been raised—and I'm sure you've heard a lot of it in this room—because of the implementation of this policy by the Toronto District School Board. This board has developed a curriculum resource guide called *Challenging Homophobia and Heterosexism*. The concern to many parents is that page 10 of this document recommends that parents not be given permission slips for this curriculum and not be allowed religious accommodation to remove their children from said curriculum. That would appear to me to be a violation of the freedom of religion that is protected by the Charter of Rights and Freedoms. If, by legislating that boards must implement an equity and inclusive education policy, Bill 13 leads to curriculum being imposed that violates religious freedoms and parental rights, then citizens of Ontario should definitely be concerned.

(7) Bill 13 has several instances of vague language that seem to be open to subjective interpretation. Section 1 gives the amendment to the definition of bullying and says that the behaviour is intended to cause harm, or the pupil ought to know it would cause harm. If children show a large variation in their maturity level and understanding, it may be difficult to say what any one child should have known. That calls for postulation.

The next paragraph of that bill mentions a "real or perceived power imbalance." That also may be ambiguous. Then section 4 of Bill 13 talks about "incidents based on homophobia." Again, I think we may need clarification of this term, because it's a tricky term. Will a Muslim student who is overheard discussing with a friend that his religion discourages homosexuality, although he says nothing disparaging, still be found to be promoting homophobia?

(8) This last point leads into the nature of the problem with the word "accepting" present in various places in Bill 13 and in its short title, the *Accepting Schools Act*. Although the intent of that word, I realize, is very good, accepting implies agreement. This is a subtle but important matter to note. Canada has a strong heritage as a pluralist society known for its tolerance of different opinions and religious beliefs. The foundation for a free and democratic society includes respect for all persons, in spite of those different opinions and beliefs. Respect is necessary; agreement is not.

On that issue, I take difference from our speaker who was here representing OECA—I don't know how you pronounce that—because I know he felt that we needed to encourage that acceptance. But I think that's a key

point, that unfortunately, acceptance implies agreement, and that is a term I don't find acceptable.

In a free society, there must be room for debate and constructive disagreement. In 2009, the Ministry of Education released a document entitled *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy*. In it, Kathleen Wynne, the Minister of Education at the time, articulated that strategy as "embracing diversity and moving beyond tolerance to acceptance and respect." But if tolerance is the respectful interaction of different points of view, then moving into acceptance will actually constrict both freedom and equality in Ontario schools, in my estimation. The word "tolerance" has gotten a bad rap—and I know for one of our other speakers it's become a word that seems to be connected with indifference of some kind. But I still feel—I'll read that last sentence again: If tolerance is the respectful interaction of different points of view, then moving beyond it to acceptance will actually constrict both freedom and equality in Ontario schools.

In a previous Ministry of Education document from 2008, entitled *Finding Common Ground: Character Development in Ontario Schools, K-12*, it was stated that, in Canada, "our citizenry will continue to be increasingly diverse." It stated as an objective "preparing students to be citizens who have empathy and respect for others within our increasingly diverse communities."

I submit that having respect for one another is a much better term than "accepting." According to the Merriam-Webster Dictionary, the word "accept" can mean to give admittance or approval to; to recognize as true or to believe. Whether I agree with you or not, I can respect your worth as a person.

Respect is what is needed. "Acceptance" is an inappropriate term to apply to a diversity scenario that may include contradictory opinions. So I think that instead of being called the *Accepting Schools Act*, Bill 13 may have more aptly been named the *Respect in Schools Act*.

I've read through all the Hansard transcripts for last week, like I said, and have sat here for some of today's proceedings as well, and it seems to me that this committee must be getting somewhat bored, or at least experiencing *déjà vu* sometimes. Many of the same concerns over Bill 13 are being raised again and again by concerned citizens of Ontario.

Meanwhile, those who are proponents of Bill 13 seem to be focused specifically on the equity club issue within the bill. And maybe I have missed something here, but I have not heard much that's bad about Bill 14.

I often like to use the expression, "If you're going to come to me with a problem, come to me with a solution." So, given the extent of the concerns with Bill 13 and their absence from Bill 14, and given the discussed benefits of Bill 14, I would find it the only logical solution to use Bill 14 as the base anti-bullying legislation. Add in the equity clubs, but use Bill 14. Is it within the power of this committee to do that?

I am reminded right now of the motto of the Ontario Legislature that's inscribed in the chamber, which reads,

in Latin, “Audi alteram partem,” or “to hear the other side.” This is an opportunity for this committee to forgo political manoeuvring in the best interests of the children of Ontario. They deserve the very best anti-bullying legislation that we can give them. So I thank you for this opportunity to speak today.

The Chair (Mr. Ernie Hardeman): We thank you very much for your presentation. We have, in practical terms, used up all the time available, so we’ll let you off the hook for answering any questions, but we do appreciate your presentation here today. I’m sure we’ll give it due consideration as we review the bill.

Ms. Yvonne Haley: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you again.

MR. DAN DI ROCCO

The Chair (Mr. Ernie Hardeman): Our next delegation is Dan Di Rocco. Thank you very much, sir, for your attendance here today. As with the previous delegations, you will, first of all, give all that printed material to the clerk so he can pass it out. Secondly, I’ll inform you that you have 15 minutes to make your presentation. If any time is left at the end of your presentation, if you don’t use it all, we will have questions and comments. The questions and comments will start with the official opposition.

With that, if you would state your name for the record into the microphone, and you’re then ready to make your presentation.

Mr. Dan Di Rocco: Thank you very much, Mr. Chairman. My name is Dan Di Rocco, and I come to speak before this committee with the perspective of a retired principal, parent and grandparent. I want to thank the members of the Standing Committee on Social Policy. I appreciate the opportunity to contribute to these public deliberations. I am happy to share my insights, shaped as they are by 35 years in education as a classroom teacher, as a staff moderator of student clubs, as a coach, and almost 20 years as a principal.

1750

What is the purpose of education and why do publicly funded schools exist? I am not going to offer my answer. Suffice to say that the answers may vary, but the answers help to determine the organization, the structure and the management of schools and school systems, and their curriculum priorities. Ontario education today compares favourably with most jurisdictions in quality, with two publicly funded systems plus many private schools and also a home-schooling sector. It is a very expensive system of education; it has a crowded curriculum and serves hundreds of thousands of learners of all races, cultures and languages, very much reflecting the multicultural, multi-faith, and multiracial population of the province.

What is this Bill 13 about? What is it seeking to do? The context in which the bill appears needs to be explained.

In June 2009, the government of Ontario introduced PPM 119, the overarching aim of which appeared noble and positive, intended to afford all students equal opportunities to learn, grow, and contribute to our society by eliminating racial, cultural and other forms of discrimination.

However, the implementation strategy, Ontario’s equity and inclusive education strategy, and recommended resources gave interest groups opportunities to manipulate the policy’s implementation to their advantage, such that parent groups started to question the intent and scope of the radical changes being introduced. Many parents felt a dissonance between what they wanted for their children’s education and what some of the implementers of the policy tried to introduce.

Perhaps not content with the effectiveness or pace of the implementation strategy, the government has chosen to amend the Education Act, and thus use the codified law to help push its agenda for reform on the people of Ontario. No one seriously quibbles with the general aims of Bill 13 when couched in terms like “increasing student achievement,” “reducing achievement gaps between students” and “increasing confidence in publicly funded education,” nor with its seeking to do so by creating a safe, welcoming school environment for all students. But there has been and continues to be considerable opposition and concern expressed toward elements of PPM 119, the education strategy associated with it, and now Bill 13. Why?

In the preamble of the bill, one comes across words and expressions that lack clarity but that are loaded with subjectivism. On the one hand, there are statements which declare, “The people of Ontario and the Legislative Assembly: Believe that...,” and there are some wonderful statements. But then we get to a couple that maybe some people take exception to and don’t agree with, specifically the one dealing with the LGBTIQ, or the one that says we “Acknowledge that there is a need for stronger action....”

As far as I know, harassment and bullying are not permitted in Ontario schools, nor in the workplaces. School administrators and teachers already have the legal and moral authority to tackle bullying and related inappropriate behaviour. In my experience as a principal of several large secondary schools for almost 20 years, I cannot recall—I will repeat: I cannot recall—a single incident of bullying related to gay or same-sex attraction. There was teasing and harassment focused on all kinds of perceived behaviour and/or differences, like body shape and size, alleged sexual promiscuity, drug dependency, race, language, culture, bookishness and high marks, being super achievers, hairstyle, acne, body odour, food choices and smells, limited intelligence, over-piousness, favourite sports team, the pitch of one’s voice, stuttering, premature hair loss, hair style and hair colour, music preferences, choice of clothes or how worn and personal jewellery. So why special legislation targeting a particular type of bullying?

There has been an element of bullying at schools from time immemorial. It isn't about to disappear, because all human beings, including young learners, are imperfect beings, capable of insensitive, mean and cruel remarks, and inappropriate behaviour. The statistics being cited to justify the concern with a particular type of bullying are suspect.

All students should be able to enjoy their learning experience each day. School principals and teachers know that ensuring school discipline is an absolute prerequisite for learning. The Education Act and its provisions, specifically the duties of the principal, the duties of the teacher etc., which I have provided in the appendix, make this simply clear, and it gives the educators ample tools to deal with bullying of any sort. Boards and schools, too, have developed codes of conduct that are published in the school handbooks each year. I have provided in the attached appendix an example from one such student handbook. This is the book that I'm speaking of and it's referred to in the appendix.

If an amendment to existing legislation is deemed necessary, it ought not to create more problems. Various ministers of the provincial government have stressed the idea that one must go beyond tolerance to acceptance and respect when it comes to the gay lifestyle. But this attitude, if acted upon, denies freedom and equality to those who in conscience disagree with what they are being asked to accept and respect.

Philosophically, and ironically, the real small-l liberal recognizes and upholds the dignity and inherent value of the individual person, recognizing that such person has and should enjoy the fundamental rights that exist prior to and independently of any government—such rights as freedom of religion, freedom of speech, freedom of conscience, and that which precedes all others, yes, even the right to life. It is the duty of the government to protect the individual from coercion of whatever sort.

The government, through this legislation, judging from some intemperate public statements made by members of the Liberal government, is asking believers to park their faith at the school entrance. The government is failing to respect and uphold religious freedom, one of the most fundamental of human liberties, as enshrined in the Canadian Charter of Rights and Freedoms and the Universal Declaration of Human Rights.

In items 4, 7, and 9 of Bill 13, freedom of religion is undermined because religious liberty ceases to be meaningful when adherents of a particular faith and the teachers of that faith cannot express their beliefs in the school environment. A person of faith must have freedom of conscience and be able to make ultimate claims about the meaning of life, the order of creation and their place and purpose in it.

Regarding the proposed amendment contained in item 4, what does this sentence mean: "To create schools in Ontario that are safe, inclusive and accepting of all pupils"? To me, this is the key. If it means, as the previous speaker was asking as well, respecting all students as human beings, worthy of being treated with dignity and

respect, there is absolutely no problem. If it means accepting all students' actual conduct and beliefs and understanding as being equally true and correct, then there is a huge problem, and it would be manifested in many ways, including classroom discussion and co-curricular clubs and activities.

In the strategy documents that preceded Bill 13, one finds an invitation to self-censorship and re-education on the part of the teacher, asked to engage in reflections such as: "In my classroom, I assume responsibility for examining and taking steps to modify personal beliefs and biases that are inconsistent with equity and inclusive education principles."

Educators in Catholic and public schools with more traditional views might be discriminated against under this system because they might not show enough "sensitivity" to certain lifestyles. They would be subjected to possible discrimination in hiring and promotion, and not enjoy the freedom to be themselves in the classroom and actually teach what their faith and/or conscience holds as right and wrong.

1800

So the dissident person who wishes to disagree with their church—and I was here for that OECTA representative earlier on. I would consider that gentleman a dissident. Why? Because he doesn't agree with his church's teaching.

So the dissident person who wishes to disagree with their church, mosque, temple or synagogue teaching would be protected, and his/her right respected as freedom of conscience. But the teacher who agrees with his faith and chooses to uphold the church/mosque/temple/synagogue teaching would be out of luck. One cannot read the bill without reference to the policies and the strategies that are wedded to it.

Section 7: "(3.1) If a board enters"—and that's the one dealing with the third party use of schools. The provision regarding third party use of schools creates an unreasonable condition. It is coercive in nature, disrupting co-operation between schools and third parties that may be dependent on access to those public spaces for the conduct of their business. Bill 13 can be viewed as a threat to freedom of religion and association since many of these third parties include church groups and fraternal service groups that hold different views about certain lifestyles.

How much time do I have left, Mr. Chairman?

The Chair (Mr. Ernie Hardeman): You have about two and a half minutes.

Mr. Dan Di Rocco: Two and a half minutes? I will skip over some of the other items and go directly to section 9.

The amendment to the Education Act provides new expectations and new directives that cause unnecessary conflict for many people regarding the GSAs. The legislation mandates gay-straight alliances if requested by students. This provision presents serious problems for schools, especially for Catholic schools. The provision

attacks the schools' right to faithfully teach what they believe.

Moreover, students cannot lead the clubs because all school clubs and activities must have staff moderators as per existing expectations. If a photography club or yearbook club requires a staff moderator, certainly a club purporting to deal with very delicate and sensitive social issues and relationships should not be left and would not be left to the care and leadership of a student. These clubs, of course, do imply curriculum—they have implications.

I will skip over most of the next stuff and go to summing up my observations and concerns.

Let me say that a school and classroom environment is dynamic. There is questioning and judgment exercised about many issues—social, political, economic, environmental, religious and moral—all the time. With a diversity of students and teachers, there is likely to be, obviously, a diversity of opinions and beliefs in the classroom. The differences need to be respected but not necessarily accepted or celebrated. Teachers simply need to insist on civil and respectful dialogue and equal treatment of students in class and outside class. All need to treat one another with respect. I am not convinced that Bill 13 adds much to the public dialogue on the general issue of bullying. There are a series of reasons why I feel that way. Let me, again, go to the last two paragraphs.

Bill 13 effectively bullies those who do not agree with the government's agenda on how to combat bullying in our schools. It is a dangerous piece of legislation because it would help codify into law a comprehensive policy that, when fully implemented, will change all publicly funded Ontario education in a dramatic and negative manner. It will impact on all aspects of education: course curriculum content, supplementary learning resources, co-curricular clubs, student leadership, the hiring and promotion of staff, training of staff, discipline of students, the collection of data, monitoring of implementation, selection criteria for leadership positions etc.

In summary: I believe Bill 13 will create new problems if left in its present form. I recommend that Bill 13 be drastically amended or meshed with Bill 14, now Bill 80, which I believe is a better-written bill, broader in scope, more sound in its approach, offering greater flexibility and universality of application to all forms of bullying and related misbehaviours, and does not give priority to a particular form of bullying. In comparison to Bill 13, Bill 14 is more fair, more objective and simple in its intent, giving the Minister of Education the mandate to provide measures to prevent bullying without bringing in all kinds of side issues that serve to confuse, obfuscate, threaten and divide the public.

Thank you, Mr. Chairman. I thank the members of the social policy committee.

The Chair (Mr. Ernie Hardeman): And thank you for your time. Your time has been consumed, so we thank you very much for your presentation.

ONTARIO INTER GSA ASSOCIATION

The Chair (Mr. Ernie Hardeman): Our next presenter is the Ontario Inter GSA Association. Good afternoon, and thank you very much for coming in. We appreciate you being here. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that time. If you have time left at the end of your presentation, then we will have questions from the committee, if they have any, to your presentation.

With that, when you start your presentation, if you would give your name for the recorders so they can put it in Hansard, we'd very much appreciate that. From there on, welcome to the committee, and the floor is yours.

Mr. Christopher McKerracher: Thank you. I'm Christopher McKerracher. I'm a student at an Ontario high school—a Catholic high school, specifically. I have things going around because in my speech I'm quoting stories from students as well as a couple of studies that I'll speak about in my speech.

This is Chris Imrie. He's the founder of the Inter GSA Association. He goes to a public high school, and he's going to share his story as well.

It is my understanding that many of the people who spoke at the committee hearings last week are treating homophobia as a non-issue and acting as if GSAs are not important for LGBT youth. I was surprised by the amount of people who honestly believed that gender and sexual minority youth face no problems in their lives. I take it upon myself to prove that this is not true, that many queer and trans-identified youth do face harassment and commonly feel unsafe at school. I asked people I know for personal stories, and even I was shocked at the horrible ways that some students were treated. What is worse, however, is that a lot of people insist that what they are going through isn't really happening. These stories were the encouragement for me to write this speech, because I want to make sure their voices are heard.

It's just ridiculous to say that homophobia isn't a problem when there are still kids getting beat up because of their sexuality. My friend from my school sent me this story about what happened in her school and in her neighbourhood. I'm going to quote part of it.

"Getting chased by people that call you gross and disgusting without fighting back. Getting threatened about moving schools and into a place where this 'sickness' would be treated. I faced getting beat up outside my home and pushed into lockers at school, ignored by the people I called friends, all because I'm different from others. Living with parents that never understand this is hard enough."

People deal with this every day, everywhere. It isn't a contained problem, but it is unfortunately a problem that happens in silence. It's easy to say that homophobia doesn't happen too often, because how easy is it for a student dealing with this constant feeling of rejection to really stand up for themselves? How can a youth who has

no one to relate to make themselves feel visible? Safe spaces are important, and they are needed.

I've heard so many horror stories of students dealing with rejection and violence, and it makes me sick. A friend of mine, when he was in grade 9, got one such comment that he remembers that said, "I'd like to kill the fucking faggots."

There's also this story someone told me about her friend: "I know a girl who was openly bi. Her school didn't have an active GSA, and she was bullied to the point of cutting herself. She transferred schools."

Or this story: "I came out as bisexual when I was 12. I'd known it for years, even at such a young age. I had a lot of close friends, so I figured the response wouldn't be so negative. My best friend at the time, the one person out of all people I trusted to support me, told me that I'm a disgrace and that homosexuality is disgusting. Because I was at the age where I was only beginning to learn about judgmental people and fitting in, I went back into the closet."

As unfortunate as it is for me to say, it wasn't very hard for me to get these stories. I didn't have to scour the Internet for hours. I just had to ask people that I know what they've gone through. Nearly every gender and/or sexual minority person I asked had at least one horror story to share with me.

This is also backed up by statistics. A recent study by Egale showed that 73% of queer youth feel unsafe in at least one part of their school. The statistic is even higher for trans youth, with the number jumping to 87%. Another study, from the Suicide Prevention Resource Centre, has also found that queer youth are much more likely to commit suicide than their heterosexual counterparts.

Not every story that was shared with me was bad. I've heard wonderful stories of students being accepted, being loved, feeling safe and just feeling happy. There was a common factor in all these stories: They all had a GSA or some equivalent to it.

One story of a girl's coming out: "By the time I turned 16, I decided that I was comfortable enough to let everyone know of my sexuality. I discovered myself as pansexual. I hadn't known what the term meant, up until I joined my GSA. My school's gay-straight alliance has helped me through so much, being proud of who I am, knowing that there are others out there supporting me and simply helping discover exactly who I am."

1810

For students who have faced bullying because of who they are, they have been nothing but thankful for what their GSAs have done for them. Sometimes it's the only place that these students have to turn to.

My friend Bette was kind enough to share her story with me. There was a time in her high school where the student body and her peers were against her. This is what she had to say:

"My school's GSA provided me with a different perspective at this difficult time in my life. The group was a safe place for me to be myself, to cry and to be consoled.

The staff adviser was the only adult in my entire life who gave me the time of day and any support for a good few years. The classroom where our meetings were held in became the only place in my entire school where I was not scared I would be targeted, threatened, pushed, beat up or judged. The group transformed from a two-person club to a team of allies and supporters who became my family. For the first time, I belonged; I was welcomed and loved for who I was by people that were just a year ago strangers. The group provided me with strength when I felt defeated and unworthy. The group became my voice when I was left silenced and speechless. The group was my backbone when I felt that it was impossible to stand on my own. The group became my hope when I felt that things would never get better. The group was my determination when I felt that I might as well just give up. The group was my family, and the only family I did have for a few years. I only understood the power of the GSA I had in my school when I was alone and so scared. It is absolutely terrifying to think of the direction that my life could have taken, if in fact this GSA support group was not present in my school."

Every person that has shared their stories about GSAs has told me how important that they are for them and their school. They've said things such as, "Without a GSA, many people would not have the support that they do now. A GSA is to bring everyone together, eliminate labels and create a better tomorrow. A GSA makes the school a better place; it makes this world a better place. Without a safe space, there is no support and no hope. Everyone needs a safe space, and my GSA is mine."

Another quote: "I personally feel that our school (and any other school with a G/QSA) is a much safer place for everybody, not just LGBTQ kids, because it promotes equality and freedom for people to exist as they wish to exist without fear of prejudice."

It doesn't just help gender and sexual minority youth either. As one straight ally told me, "As a person who identifies as straight, I feel safer and happier every Thursday at lunch with everyone in rainbow than at any other time. It makes me so happy to see people from all over the spectrum putting their ideas together to make our world a better place."

This information is also supported by studies. According to the study *High School Gay-Straight Alliances (GSAs) and Young Adult Well-Being: An Examination of GSA Presence, Participation, and Perceived Effectiveness*, students in GSAs were found to be less likely to experience depression, and they also had a reduced likelihood of committing suicide in their lifetime. The same study found that LGBT victimization was also lower in schools with GSAs.

When I hear all of these stories—these stories of happiness, of rejection, of harm—I'm not sure how people could treat homophobia as a non-issue or talk about how we just don't need GSAs. I understand that we all have our own beliefs, whether it be faith or just personal ideologies, and I know that sometimes this can conflict with someone's gender identity or someone's

sexuality. I do understand that, and I do believe we're all entitled to that. But when will enough be enough? When are we—be it people in faith-based organizations, concerned parents, uncomfortable students—going to put aside our discomfort for the sake of others? When are we going to put the happiness, the safety and the lives of our youth first? Thank you.

The Chair (Mr. Ernie Hardeman): Thank you.

Mr. Chris Imrie: As he said, my name is Chris Imrie and I go to Northern Secondary School in Toronto and we do have a GSA. I've been a member of my school's GSA for three or four years now. During that time, my GSA has been an incredible source of support to me. It introduced me to a wonderful group of people. It helped me figure out who I am, who I was, at a time when I was really struggling with finding myself—and it continues to do that today to a very meaningful extent. It's been a very positive influence in my life.

So when I heard that other students at other schools were being denied this valuable resource, I became upset. When I heard the words that some of the opponents to Bill 13 were using to describe this bill and describe GSAs, calling them “sex clubs,” accusing them of “forcing people into situations they don't want to be in” or promoting some sort of educational “agenda,” I was shocked. I would like to share a bit about the activities of my GSA, just to demonstrate what GSAs really are and how they can make a meaningful difference in schools.

My GSA has been in my school for a very long time, and I believe overall it has made an enormous difference in my school community. We aren't perfect. My school definitely still has its share of homophobia, but I think we're significantly better than a lot of other schools. I know I have never been the victim of homophobic bullying at my school, but that's not to say that others haven't. I don't hear homophobic slurs with nearly the frequency that I do in many other places, and when our student council president came out as trans a few years back, they got overwhelming support from the student community. Our GSA cannot, of course, claim credit for all of this, but I do think we've played a very important role in making our school what it is today.

For example, some of the ways we do this is that every year for the past four years, we've run workshops to educate students about homophobia and homophobic bullying. Every grade 9 class in the school goes through them, and they're talked to about these issues, about what homophobia is, about homophobic bullying and about how the things they say, even if they don't mean them, can really affect other people.

We've participated in a day of silence for as long as I've been going to this school and probably longer. That's an awareness event where we silence our own voices in order to draw attention to others whose voice has been silenced against their will. This year, we ran an assembly in front of the entire school, where we had speakers in to talk about homophobia and the importance of being supportive of friends and family who are LGBT, but how to be supportive and then what you can do.

But beyond all this, beyond the bullying prevention, beyond awareness, our GSA is a place where students can come if they feel threatened. It's a place where they can address concerns they may have about being bullied by their peers and get an appropriate response. It's also a place where they can come simply to feel welcomed and safe among a group of friends who are like them.

We're not a sex club, we're not trying to teach an agenda, unless you consider the radical concept of “bullying is bad” to be an agenda. We're just trying to make our school a safer place. And by the way, I can't overstate the importance of having this community of peers to talk to—peers who understand what you're going through and peers who have had some of the same issues themselves, who are determined to help and who can become some of the most amazing friends you'll ever have.

I hear others say that homophobic bullying should be addressed in private with a guidance counsellor, a teacher or a pastor. All of these have their place, but they're not nearly as important as being able to talk to peers. I was quite recently, in fact, really struggling with my gender identity, and the most important thing that helped me was to talk to someone else who had the same experience and who could understand what I was going through. This is what GSAs allow us to institute. It helps students to know that they're not alone, they're not the only ones who feel this way. GSAs are essential to providing this community to students who are still trying to come to terms with who they are, and I am incredibly lucky that I've had this community like this whenever I needed it.

So when I hear that other students are being denied all these things, it does make me upset. But it also makes me confused. I don't understand why this is a political issue. I don't understand why this is a controversial issue. Bill 13 is not about radically reshaping our education curriculum. It says nothing about preventing other students from creating their own groups to combat other kinds of bullying. All it says is that if students feel the need to come together to create a safe place where they can address bullying, address homophobia and find solace in the friendship and commiseration of others, then they have to be allowed to do so. How can anyone think that's a bad thing? This is not about religion. This is not about politics. This is just about trying to prevent bullying in our schools, to make our schools safer places and to help students who would otherwise be in very dark places in their lives feel better about themselves and feel secure in who they are. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Did you have something more to add?

Mr. Christopher McKerracher: I remember, a couple of speakers back, OECTA, I think it was—they made a good point that I think we wanted to address. I was reading the bill earlier today, and I don't recall it—it might have said it once—actually mentioning gender identity at all. It had mentioned other groups, sexual orientation and race, but I don't recall gender identity being mentioned there. As well, although specifically

homophobia was mentioned, I don't recall transphobia being mentioned, and I think this is really important to add on to it in order to make it a properly equitable bill.

We're open to questions, if there's time.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about two minutes left. We'll start with the opposition.

Ms. Lisa MacLeod: Guys, thanks very much for coming in, and thanks for moving closer to the microphone, because I couldn't hear you. But it was great.

And thanks for the handout. I think that's very nice. I was following along, and you were doing excerpts, so I was trying to figure out everything. But I appreciate you sharing that and for your courage here today to come to committee. It's never easy. We're not all wearing suits, but I know that might be intimidating. How old are both of you?

Mr. Christopher McKerracher: I'm 17.

Mr. Chris Imrie: I'm 18.

Ms. Lisa MacLeod: Seventeen and 18—well, you did pretty good.

Mr. Christopher McKerracher: Thank you.

Mr. Chris Imrie: Thanks very much.

The Chair (Mr. Ernie Hardeman): Thank you very much. You have a quick comment, Mr. Tabuns?

Mr. Peter Tabuns: Yes, and again, I want to thank you for coming because I thought your presentation was extremely useful to us.

In your schools, if you had not been able to form GSAs, what would the impact have been?

Mr. Christopher McKerracher: Well, I can speak from my own experiences, how ever since we've had more awareness for this, it really has improved. Before then, even some of my friends said that they wouldn't be my friend if I was gay. Ever since the whole GSA issue has been addressed and we've been given some sort of club, it's been a lot easier for me to come out. Bullying has been down, mostly. I've heard of a couple of bad incidents, like the one I quoted in my speech, but I've heard a lot of positive feedback from queer students in my school.

1820

The Chair (Mr. Ernie Hardeman): That does conclude the time. Thank you very much for your presentation. We much appreciate it and I'm sure the committee will take it into consideration.

QUEER ONTARIO

The Chair (Mr. Ernie Hardeman): Our next delegation is Queer Ontario. The clerk here will get the document and pass it out to the committee. We thank you for coming in today. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that time. If you have some time left over, we will have questions from the committee. This time, the questions will start with the government side.

With that, again, we thank you very much. I should mention, if you could, when you start your presentation, give your name to Hansard so we get it on the record.

Mr. Nick Mulé: Good evening. My name is Nick Mulé. I'm chairperson of Queer Ontario. Following my presentation will be Casey Oraa, the vice-chair of the organization.

By introduction, Queer Ontario is a provincial network of gender and sexually diverse individuals and their allies who are committed to questioning, challenging and reforming the laws, institutional practices and social norms that regulate queer people. Operating under liberationist and sex-positive principles, we fight for accessibility, recognition and pluralism, using social media and other tactics to engage in political action, public education, and coalition-building.

To begin, Queer Ontario is very much in support of having anti-bullying legislation in place and implemented in the province of Ontario in order to protect all youth from such damaging and oppressive behaviours. Although we believe both Bills 13 and 14 are steps in the right direction, we also believe much work is still required for these bills to reach a point of efficacy for the very youth they are designed to protect, and thus are submitting to you today a series of amendments, which we will discuss in short throughout our submission.

Considering the content of both bills, we feel that Bill 13 has a stronger base upon which to expand in our pursuit of strengthening the supports for youth in schools across Ontario. That being said, we have taken the intent of some elements of Bill 14 and modified them for inclusion in what we perceive to be a stronger, more effective bill. As well, we have drafted additional amendments for your consideration that will further strengthen the bill and reaffirm the commitment of boards and the ministry in their quest to foster equitable and inclusive environments as a means of supporting youth.

So to begin, I'm going to talk a bit about language, and that is that we distinguish the terms "bullying" and "harassment" in the following ways: Bullying is an action or behaviour carried out with intent that is targeted, consistent, repeated and involves a power imbalance. Harassment is an action or behaviour carried out in a generalized way that becomes white noise contributing to a toxic environment, creating an oppressive culture, i.e. loose use of the term "gay" in a derogatory manner, such as derisively describing a clothing article as "gay." There is ample evidence that both of these exist in schools across Ontario, and both must be dealt with, given the impact they have on those victimized by them.

We also distinguish between a "school climate" and a "positive school climate." The former operates and functions with little or no attention to the sensitivities of diverse populations therein. The latter takes a conscious and active role in recognizing and being sensitive to the needs of its diverse populations towards the ongoing development of an accessible environment. This latter climate would be in keeping with the equity and inclusivity policy.

Finally, we recommend that the term “gender expression” be added to the list of social locations outlined in number 7 of the explanatory note of Bill 13 along with “gender identity” and the others. The transsexual and transgender communities have indicated the importance of both these terms, as are currently being advocated for explicit inclusion in the Ontario Human Rights Code, as they more accurately reflect and capture the continuum of experiences of members of the trans communities. Secondly, we urge consistent inclusion of this terminology throughout the bill, as these populations are currently inconsistently recognized at best in the proposed bill as other populations are.

Talking a little bit now about professional development, internally within school boards we are calling for the mandatory and continuous education of all staff to assist them in recognizing, being sensitive to, understanding the complexity of issues involved in, and being prepared to take responsive action to incidents of bullying and harassment. If the end goal of the education system is to foster and produce holistic youth, then the system that produces them must commit itself to being holistic in its aims, goals, policies and practices as well.

We recommend that one of the three mandatory professional development days be devoted to anti-bullying and anti-harassment issues. This would ensure staff is exposed to and given an opportunity to learn about these issues at a micro level. Such development is integral to ensuring that staff have the ability to recognize problematic behaviours and actions, as without such knowledge base the staff in schools across the province are woefully ill-equipped to respond to bullying and harassment.

For aspiring teachers in training, we are calling for the implementation of core requirement courses on equity and inclusivity to prepare the future teachers of this province for the diversity of students they will be teaching, and the ability to contribute to creating and sustaining a positive school climate. Similar to the professional development of practising teachers, courses such as these are currently only optional.

For teachers currently in the field, we call upon the Ontario College of Teachers to facilitate mandated additional qualification—also known as AQ—courses addressing equity and inclusivity issues so that currently active teachers can be brought up to speed on relevant concepts, issues and, most importantly, teaching intervention strategies when faced with incidents of harassment and/or bullying at any level within the education system. Such a requirement, when paired with the mandatory anti-bullying and anti-harassment professional day, allows for a base to be established through the AQ course and then supported regularly via the mandatory professional day.

Addressing bullying and harassment within the context of equity and inclusivity at each of these levels creates a systemic apparatus that will support the recognition and implementation of legislation dealing with bullying and other matters. These structural supports will

be essential for all stakeholders in the education system, from students to teachers, from support staff to administrators, in ensuring systemic consistency with Education Act regulations. The clear end result of such professional development is a greater commitment to creating a knowledge base and skills for teachers and staff in schools and administrative positions, thus providing them with the tools necessary to identify and combat bullying and harassment.

I turn it over to Casey now.

Mr. Casey Oraa: I’m going to speak first about compliance and accountability. One of the major reasons why Queer Ontario supports a strong piece of legislation that adequately and effectively addresses the issues of harassment, bullying and other matters is that our current Ministry of Education has consistently devolved these responsibilities to the board level. Boards of education vary across the province with regard to their willingness to address issues of equity and inclusivity, and in particular the lesbian, gay, bisexual, transsexual, transgender, two-spirit, intersex, queer and questioning populations of students, with a clear divide existing between public and Catholic boards. One need only consider the publicly funded Catholic school boards in this province and their continual abdication of their duty to support LGBTQ youth in their rights to form a gay-straight alliance, under currently existing program/policy memorandum 145, and the ministry’s unwillingness to enforce its own policy as a blatant example of this. By putting these important concepts into legislation, it will ensure the ministry takes the responsibility it should have taken all along to ensure compliance and accountability of its boards, rather than leaving it up to the latter to follow through or not.

There already exists an equity and inclusivity policy and corresponding guidelines for policy development and implementation that the ministry can use to jump-start this legislation once passed, requiring all boards across the province to comply.

Further to this, and as a means of accountability, we call for the ongoing data collection by boards in the form of school climate surveys to be continued, and that, further, principals deliver annual reports to boards of the data. As well, boards should deliver biannual reports to the ministry of the cumulative data for their schools, and the ministry should deliver a biannual report summing up data gleaned from all the boards. This will assist in continual monitoring and managing of problematic issues that contravene principles of equity and inclusivity. Such quantitative statistics and qualitative responses will help shape and reshape interventionist responses as issues unfold.

Moving forward to the next point, I will be speaking about student voice. Of course, at the crux of all of this are the students themselves. At Queer Ontario, we believe in the independence and agency of students to determine for themselves the supports they feel they best need, a principle that has consistently guided our support and actions. Over the past year and a half, it has become part of public consciousness that students enrolled in

Catholic school boards who are requesting the establishment of a gay-straight alliance have been denied this right. The reality of the situation is that such denials existed well before the stories of the struggles of LGBTQ youth seeking to form such groups came to light—all of this despite the aforementioned PPM 145 that explicitly gives them that right. It is not lost on Queer Ontario that the language surrounding GSAs and other like groups as proposed in Bill 13, currently before us, attempts to sidestep PPM 145 by indicating that boards support the establishment of GSAs “or another name,” with no clear designation being made as to who would determine that name. This is unacceptable, for it denies students their choice in naming a supportive organization that accurately represents who they are and their mission to support one another. We strongly and resolutely recommend that the name of such clubs be determined by the student. Recognizing this would align Bill 13 with PPM 145. Otherwise, you are creating an inconsistency that will leave the Ministry of Education open to future challenge.

1830

In order for students as well as staff who have been impacted by bullying or harassment to have a voice, we call for boards to establish a transparency mechanism that allows for a complaint process that protects anyone victimized by bullying or harassment, without fear of further reprisals. We also call for the minister to intervene in unsatisfactory cases.

In conclusion, Queer Ontario urges the government to move forward with this bill or a combination of Bills 13 and 14, as well as to give strong consideration to including our amendments, to ensure that the serious issues of bullying and harassment are adequately recognized, sensitively addressed and responsibly intervened with. These are serious issues that can mean life or death for the youth of this province.

We at Queer Ontario also recognize that some youth are more targeted than others for bullying and harassment, whether based on their race, ethnicity, age, size, looks, sexual orientation, gender, gender identity, gender expression, disability, religion, class status etc., or the intersection therein. The focus of our mandate is on the gender and sexually diverse populations. Given LGBTQ communities’ long history of being targeted for harassment and bullying, we feel it is absolutely essential that we be explicitly named in this legislation, to ensure some measure of protection and regulation over these incidents.

We will now take questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about three and a half minutes left. The first is to the government side: Ms. Sandals?

Mrs. Liz Sandals: Thank you very much for your presentation. That was very helpful, and you’ve got a number of helpful comments that you were making here.

You’re distinguishing between bullying and harassment—and I’m not quibbling with that; I agree with the distinction that you’re making. In your definition of

bullying, the words that you’ve used, or at least the concepts you’ve used, are reasonably consistent with the Bill 13 definition of bullying. Are you in fact supporting the Bill 13 definition, other than the bits that you included about trans?

Mr. Casey Oraa: As we said from the onset, we feel that Bill 13 is a stronger base from which to work upon and develop. But that being said, there definitely were parts of Bill 14 that we pulled forward the intent from and modified for use in this bill, mostly around compliance and accountability measures. We felt that Bill 13 lacked in that area.

Mrs. Liz Sandals: Yes, and the bills have different strengths. What you’re saying is, take Bill 13 as the base and incorporate some of the other ideas that Bill 14 brings in, which are positive ideas as well.

Mr. Casey Oraa: Yes. If you look at the accompanying piece, it is in fact Bill 13 that has been amended and modified.

Mrs. Liz Sandals: Okay. I note in your comments there that you talked about the whole issue of who gets to choose the name of a GSA. I’d just like to assure you that the intent of the original recommendation of the safe schools action team, on which PPM 145 was based, is that if students request that there be a club, the students should be the people who influence the naming of it. Certainly, we heard students speaking to us of school climates—not positive—in which identifying a GSA as such would have been problematic to the members. In those cases, the kids would have chosen a different name, and we would certainly want to respect the right of the kids to choose a name which is appropriate to their comfort level or their circumstance.

Mr. Casey Oraa: Yes, and our position is that for that to even happen at this point, you would need to modify the language with regard to that provision to make it clear that it is the students who would be able to determine that. Regardless of the intent of PPM 145, in practice, that intent is clearly not being respected by the boards, and the ministry is not stepping in to enforce it.

Mrs. Liz Sandals: So we need to look at just clarifying the language, to make it clear that students are—

Mr. Casey Oraa: Yes. We make a recommendation that explicitly says “as determined by the pupil” at the end of “gay-straight alliance or another name.” That makes the distinction very clear, and it gives them the right.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That concludes all the time we have.

MR. MICHAEL KNIGHT

MRS. NANCY KNIGHT

The Chair (Mr. Ernie Hardeman): Our next delegation is Michael McKnight—

Interjection.

The Chair (Mr. Ernie Hardeman): Michael Knight, not McKnight. My neighbour is McKnight. Michael Knight and Nancy Knight: Thank you very much for coming in.

As with the previous delegations, you will have 15 minutes to make your presentation. If you have a handout that goes with it, the clerk there will take it and pass it out to committee. You have 15 minutes; you can use any or all of the time it takes. If you finish your presentation and you still have some time left, we will then let the committee ask a question. The next round of questioning that we have will be started with the official opposition. We do ask that before you start making your presentation you give your name to Hansard through the microphone so the record will show you being here.

With that, the floor is yours. Again, thank you for coming in.

Mr. Michael Knight: Thank you. My name is Michael Knight and this is my wife, Nancy. It was actually Nancy who prepared this submission but, unfortunately, Nancy is visually impaired, caused in part by a bullying incident when she was younger. As a result, she's asked me if I could read her preparation this evening on her behalf.

The Chair (Mr. Ernie Hardeman): Very good. Thank you very much.

Mr. Michael Knight: Thank you for your hard work and patience during this process.

Ten years ago, in 2002, our family filed a statement of claim against the Halton District School Board for failing to protect our children during eight years of relentless, severe and escalating bullying. We received copies of student incident logs and parent contact logs written by vice-principals during some of our children's high school years, Ontario school records of two of the perpetrators, the medical records of one of them, police reports, eyewitness accounts of our children's fellow students and the opinions of experts.

During these past eight years, Nancy has been searching through these records, putting them together with her experiences during the four years she volunteered at our children's public elementary school and what she's learned from ongoing research. She has been writing a book about what happened to us and trying to understand how it came to be that our ordinary little family suffered such chaos and stress for so long. Our society has had a long time to face up to the bullying problem and we have not always taken it as seriously as we should have.

Almost 50 years ago, though she always felt safe at school, Nancy's right eye was injured during a bullying incident on the way home from a Girl Guide meeting. In her early 20s, a grown-up bully, who didn't know how to or wouldn't control his temper, injured both of her eyes. Later, an illness took just a little more of her sight and by the time our children were four and five years old, she was legally blind.

We all know that illness can cause serious and permanent injury, but bullying injuries can be just as serious and permanent. The costs to society in terms of the loss

of productivity and human potential are enormous, yet we can stop our children from bullying each other. Surely all children deserve to reach adulthood free of the harm bullying at school can cause.

For decades, governments have made many attempts to improve the educational environment for children. In the 1960s, Nancy experienced the changes in education because of Hall-Dennis. She watched as subsequent governments tried to return order and discipline in our schools while thankfully discarding many of the harsh punishments of earlier years.

Zero tolerance, the Safe Schools Act and the code of conduct and its listed consequences, despite not including bullying specifically, should have been adequate to address the day-to-day aggression that our children and others were experiencing in the 1990s.

However, for seven years, our school administrators did not enforce any of the fair and reasoned consequences listed in that code of conduct with respect to our children.

Only in the final year was anything done. A new vice-principal finally suspended one student for chasing after our son with a metal metre stick and then, the next day, threatening to snap his neck. Later that year, she expelled another student for the worst assault my son had ever experienced.

By the time we withdrew, first, our daughter and then our son from high school in 2002, at least four principals, three vice-principals, eight teachers and school resource staff, two board staff members, two superintendents, one director of education, one trustee, two Ministry of Education employees, one staff member in the office of our representative in the provincial Legislature, one staff member in the office of our federal representative, the privacy commissioner's office, several social workers, psychologists, one psychiatrist, one pediatrician, our family doctor, several police officers and four parents of some of the bullies knew our children were being bullied. We know they knew because we told them in person, phoned them, wrote letters or sent emails.

1840

Finally, one Ministry of Education staff member had this advice: "Sue the board," she said. That's exactly what we did. The legal proceedings took eight years and tens of thousands of dollars. Recently, more parents are turning to the courts. Is that the only way we can enforce the Education Act?

One day in the hall, our children's elementary school principal approached Nancy. He had a copy of the recently introduced code of conduct in his hand. "Mrs. Knight, if I was to enforce many of the consequences in the code of conduct, I could find myself in my office behind my desk with the perpetrator's parents, their lawyer and my superintendent, my boss, on the other side. It would be my obligation to justify my actions to all of them, and the parents of the victimized child would be nowhere to be seen."

We soon realized that there is no procedure beyond the principal's office with which parents can advocate on

behalf of their victimized child, and there has never been a way for parents to support a principal who is willing to help. When we tried to report to the board of education office or to a superintendent when school administrators failed to follow policies and procedures, a staff member simply sent us a copy of the code of conduct, and the superintendent did what she was supposed to do. The Education Act requires superintendents to advocate for the perpetrator.

Our trustee was not helpful. Trustees receive appeal-to-suspension and appeal-to-expulsion forms with all of the names blacked out. They have no way of matching any individual appeal form with the phone call they've just received from a worried parent, eager to find relief for a persecuted child.

We made many useless attempts to raise the subject of behaviour in general, and with respect to our children, during private meetings with teachers and school administration. A few parents tried to raise the subject of behaviour, not mentioning individual children or groups of children, at parent council meetings. School administrators refused to address issues of behaviour or to allow discussion among parents. It's surprising how loud a principal's voice can get in a small room at the rear of a library during a safe schools committee meeting.

We must protect the reputation of individual students. We must allow children to leave their youthful indiscretions behind as they grow into adulthood. However, there are other less-admirable reasons why school administrators can and do use privacy and confidentiality to avoid acknowledging and confronting the subject of behaviour.

Principals have an interest in protecting the reputations of their schools. They don't want bad news getting out into the community or into the media. They do not want too many parents calling their superintendent because that will make the superintendent pay attention to what is happening at that particular school—except, it seems, when the call is from a victim's parents. Also, principals don't want parents to send their children elsewhere, taking per-student, per-day funding that comes from the provincial government with them, leaving fewer resources for those students left behind.

Here, we are considering requiring principals to submit reports when bullying incidents occur, just as they are supposed to do now with respect to violent incidents, yet we know that school administrators did not act on or report many incidents involving injuries to our own children. We will always have the greatest respect for the professionals we hire to educate and care for our children at school, but their responsibilities are complex, and you know as well as we do that they are only human.

Our family has had the benefit of what we've learned throughout the course of our legal action against our board of education, the benefit of a great deal of worldwide research on bullying, our experience during our children's eight-year bullying ordeal, and our interactions with our children's teachers and school administrators. We would like to put forward the following:

First, parents of victimized children need an advocate. We ask that this committee consider recommending that this Legislature broaden the responsibilities of the Ontario Ombudsman's office to include our schools, parents and their children. This was raised last year right here in this building and was defeated.

Second, Nancy and I have worked at some of the largest companies in the world, and the idea of cross-checking job performance and monitoring for quality control is not a new one. We need to monitor what is happening at school level. We need to know if school administrators are using the tools we give them judiciously and effectively. We need to provide training and create positive incentives for school administrators to do what we ask them to do, and we need to let them know that we expect them to keep our children safe while they're at school.

Many parents are well aware of what is happening at their children's school, because either their children tell them or they observe what's happening themselves. Perhaps we should give parents a process with which they can report bullying incidents as well as violent incidents that involve their children. Reporting forms could be made available via the Internet or at school offices. Privacy concerns in verifying the authenticity of each report could be worked out. The reports would have to be tagged to the appropriate school. A major discrepancy between parents' reports on bullying and violent incidents and those sent in by principals would indicate the need for interventions at the school: more in-service training, more motivation and more supervision.

We want you to know that we understand what is happening in our children's schools and we want you to fix it. We urge you to consider this submission carefully. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about four more minutes left, so we'll first go to the official opposition. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks, Chair. Great presentation. I want to cede the floor to my colleague Ms. McKenna, who wants to say something to you.

Mrs. Jane McKenna: I'm just sitting here overwhelmed, because unless you have ever been in that situation—it is absolutely awful. I've been there with my own son, and you can't explain it to anybody. Listening to your story is exactly what I've gone through myself. The sad thing is that you're sitting here today and it's just so common for so many people, because we've heard other people talk about this today.

There should be one law for all. Children should be able to come and go in an environment and feel safe. You shouldn't have to feel that you are sacrificing your child by letting them go into school. And the red tape that goes on in that environment—unless you've experienced it, you can't even understand what you're saying today. So thank you so much for being here. My hands are clammy; I'm overwhelmed with what you said. Thank you from the bottom of my heart for discussing what you said

today, because I know it is heartbreaking to be in that situation and feel like you do not have a voice at all.

Mrs. Nancy Knight: Thank you very much. I think one of the most important things that we have to recognize today is that this has been going on for a long time. Successive governments have tried to deal with it on a repeated basis for a long time and nothing has worked, because I believe that we've failed to look at the very grassroots of this problem, which is at the school. We have to understand that our principals are indeed human, that they need supervision, and that the supervision and the controls of what happens in our children's schools are just not there. Somebody has to wake up and decide to do something about that specifically. Boards of education are very reluctant to hold principals and their staff accountable. There is conflict between staff and principals. There's also conflict between schools and the board of education. Unions get involved as well.

Something has to happen. Our children are too precious to have to be caught up in this trivial organizational difficulty.

The Chair (Mr. Ernie Hardeman): Thank you. You have a further question from the third party.

Mr. Peter Tabuns: I wanted to thank the two of you for coming in and presenting this very powerful story. When we look at the situation in the schools and we look at the legislation before us, we also feel that it's bigger than a question of legislation; it's a question of changing the society around us, because the anger that you see in the society around us comes into the schools, and the schools will never fully protect us from those conflicts and that anger. But I certainly think you've made a strong point about the fact that if the schools aren't responsive, parents, adults like yourselves, face incredible frustration at actually trying to get issues addressed.

Mrs. Nancy Knight: I beg to differ, actually. I think that our schools are unique and isolated environments for most of our children. The behaviour that I saw our children engage in at school, many of them would not engage in at church, at Sunday school or at home with their parents. Schools are an environment in themselves. Often, as our children grow older, that world is our children's entire world. Their entire existence is involved in their school. It's all-encompassing. Teachers and principals have a tremendous influence on our young people. In fact, at times, when our children are teenagers, that's the only influence, other than sports coaches or whatever. Their whole world is that school, the teachers—in fact, schools and principals actually foster that culture of, "Trust us. We're in this together. This is our school. Let's be loyal to our culture here at the school. We want to be number one," and parents often are very insignificant.

1850

And I don't believe the media has that much to do with our children's behaviour at school. Our children are allowed to behave the way they are at school because people allow them to behave that way.

The Chair (Mr. Ernie Hardeman): Okay, thank you very much. That does conclude our 15 minutes. We thank you very much for your presentation.

Mrs. Nancy Knight: Thank you.

TRANS LOBBY GROUP

The Chair (Mr. Ernie Hardeman): Our next delegation is the Trans Lobby Group.

Ms. Susan Gapka: Thank you, Mr. Chair. One of our members has been held up at work, so I'm wondering if we'd be able to put one of the other presentations before us. She has the written copies. Or we can go now. We know our content.

The Chair (Mr. Ernie Hardeman): We can try and do that if the other presenters are here.

Ms. Susan Gapka: Yes. At the will of the Chair.

The Chair (Mr. Ernie Hardeman): Our next presentation that goes beyond would be the 7:15 one, Public Education Advocates for Christian Equity of Hamilton. Are they here? The next one is His Name Was Steven. Are they here? No? Impact Education?

Interjection.

Ms. Susan Gapka: Fair enough.

Interjection: You're up.

Ms. Susan Gapka: We're up. It's show time.

The Chair (Mr. Ernie Hardeman): Yes, we'll have to proceed.

Ms. Susan Gapka: Well, in our world, life is totally unexpected. You just never know what's going to come your way. Thank you so much.

My name is Susan Gapka. I am chair of the Trans Lobby Group. These are my colleagues Martine Stonehouse, who is here to support us, and Christin Milloy, who has a written deputation.

We have a dream. We have a dream that when we look at this legislation that, as four groups already today have recommended, gender identity and gender expression will be written into the bill right along with sexual orientation and gay-straight alliances. We have a dream that in the future we won't have to come to you and ask you to add that into the legislation. We have a dream that indeed that will be the default position. And with your help, some of you—and I'm looking around at some friendly faces here—last Thursday, we took a big step forward in accomplishing that dream, when Toby's Act, Bill 33, An Act to amend the Human Rights Code with respect to gender identity and gender expression, passed second reading on unanimous consent. Thank you, thank you, thank you.

The Chair (Mr. Ernie Hardeman): If I could interrupt, don't get quite as close to the microphone. It's having a little feedback.

Ms. Susan Gapka: We have a dream.

So the Trans Lobby Group, let me tell you a little bit—now, I don't have my clock in front of me, so I want to make sure that we leave time for questions. The Trans Lobby Group is a volunteer group of members of the trans community. We have about 40 members. We're

non-partisan. We've been coming here for a while now talking to members of provincial Parliament around our three needs. We are here to support both Bill 13 and Bill 14 today. We agree with the previous recommendations to make it even stronger. Call them trans-gay-straight alliances, just call them something and support our students, support our young people.

Egale has research—Trans Pulse: Almost 80% to 90% of young trans people consider suicide. It's a frigging miracle that we're still alive here. I can't tell you the stories of my youth. When I told my teacher that I shaved my legs instead of my face as a child in school, the teacher came over and said, "You don't talk about that in school."

I eventually left home, came to Toronto, ended up on the streets of Toronto for 10 years, became housed, committed my life to trying to make life better for people. I advise the Mental Health Commission of Canada on its housing component. We just released our national housing plan last week. I advise the Centre for Addiction and Mental Health, CAMH, on client needs.

In two days, on Wednesday, I will celebrate 15 years of being housed and doing political advocacy. Let's give that chance to our young people. Let's say that trans people, gay people, no matter what your background, the protected codes in the Ontario Human Rights Code—that people are protected and don't experience the bullying that many of us have, that they live to be adults.

Perhaps, Christin, you'd like to share what it's like to be a young person in the school system.

Ms. Christin Milloy: Yup. Okay. My name is Christin Milloy, and I just want to say for the record that I have read the bill. Well, I've read both of them.

I'm here today in my capacity as a member of the Trans Lobby Group, but rather than speak for the woman I've become, I have to speak on behalf of the boy I once was.

I heard the groups the other day, and I have to say, I suffered the so-called values that they're trying to inflict on Ontario's youth. As a child, I never knew that girls and boys are sometimes born in the wrong body. I never knew that boys could love boys or that girls can love girls. I never knew anything about what it meant to be queer. All I knew was that I was different, I was alone, I was miserable and I hated myself for it.

My first introduction to "gay" was that it's a horrible thing which everyone hates, and that something made everyone at my school think I had it.

In December 1993, in third grade, when I was nine-and-a-half years old, we shared a school bus in the afternoon with high school kids. One of them was 16 years old, a young man named Fabian. He treated the word "faggot" as if it was the name my mother had given me at birth.

The last day before Christmas holidays, on his way off the bus, he stopped and he punched me hard in the face. He ran off before anyone knew what had happened. I felt humiliated. I tried not to cry, but I couldn't hold it in. I had blood dripping down my face on to my hands. The

bus driver pulled over and came back to see. I told her through my sobs that Fabian hit me. She gave me paper towels for my face and she said she would tell on him. I spent Christmas holidays with a split lip.

When school started up again I asked him why he hit me, and he said, "Because you're a mouthy little faggot and you deserve to learn a lesson." He never did get in trouble for it. Instead, the school made me sit at the front of the bus for the rest of the year. I felt like I was the one being punished. They told me they had spoken to him, but he never got suspended and he still called me "faggot" every day.

In grades 4 to 6, I was a social outcast. Nobody wanted to talk to the gay loner and risk their own social standing. Recess meant hiding, trying to avoid confrontations with kids looking to earn attention by picking a fight.

One day, some classmates asked me if I wanted to play a game with them. The game was for me to sit still on the ground and let them pile dirt and grass on my head, and I let them do it because I was desperate for any scrap of positive attention.

In grade 7, I actually had a crush on a girl in my class, so I told myself, "I must be a straight boy," and I refused to consider anything different. But there was a boy in that class who was a ringleader for bullying. He called me "faggot" more than anyone and he'd often push me around and threaten me. Sometimes I had dreams where he forced me to kiss him, and in my dreams I would kiss him back. I would wake up, confused, angry and ashamed of myself.

It got so that I went to bed every night hoping I would die in my sleep because I was too afraid to kill myself. If it wasn't for the support of my closest peers, I would not be here today. I would never have achieved the things I've achieved. So many kids who are exactly like me don't make it through. We tell them it gets better, but when do we start to make it better?

Gender identity and sexual orientation are very different concepts, but the bullying that underlies both of them is the same: It's gender roles and stereotyping. Boys and girls who don't conform to the correct amounts of butch and fem. are singled out, called names and ostracized. It doesn't matter if they're destined to grow up as trans, gay or even straight; they are tortured for being different, and a lot of teachers tolerate it because they have the same ideas about how boys and girls should act. In seventh grade, my teacher yelled at me in front of everyone to be a man and stand up for myself. He didn't see my bullying as his problem.

I used to daydream that a magic rock would fall from space and transform everyone into the opposite sex. Then they would be miserable and confused, and I would be happy. I wanted the tables to finally be turned.

1900

I used to escape into reading books; I read Star Trek books. I knew the characters in Star Trek would never call me names. I would learn how to fix the ship, and they would love me. I felt like they were my friends

when I had no real friends. To this day, I close my eyes and think of Star Trek when I need to cope with extreme emotional difficulty. I told my teacher that I dreamed about being an officer on a starship when I grew up. He laughed in my face and told me no military organization would ever take me.

The only thing I was ever guilty of was not being enough of a boy, and it cost me everything. My childhood was stolen from me. The worst part is, because I grew up ignorant of the realities of the world we live in, because I saw no examples of anyone living differently than the “normal” way, I had no one to talk to about how I felt, no context by which to understand my own thoughts and emotions.

It wasn't until 16 that I finally met openly queer friends. I learned they were good, friendly people, and I finally challenged myself to understand that it's not horrible to be gay or queer. What's horrible is the way other people treat us.

Trans Lobby Group is a non-partisan group, but I personally happen to be an executive member of the Ontario Libertarian Party. We have a saying in my party, that you can't legislate social change, and that's true. But what we can do is define what is and is not acceptable behaviour in our publicly funded school systems, not just for kids but also for teachers and members of the school boards.

I needed a place to go to, and I never had one. Please pass this bill, and please keep the provision for GSAs. Thank you very much.

Ms. Susan Gapka: How are we doing for time, Mr. Chair?

The Chair (Mr. Ernie Hardeman): We have about four minutes left.

Ms. Susan Gapka: Okay. I just want to share with you that the determination that we've used to survive our experiences is the same determination that we will be here time after time until we acquire the three social inclusion principles that we require: amending the Vital Statistics Act so our ID can match who we are, having the human rights protection that we so desire to be included like others, and to have access to health care across the province.

I'll open it up for questions.

The Chair (Mr. Ernie Hardeman): Okay. With that, as I say, we have just a little less than four minutes now. We'll go to the government side for questions.

Ms. Dipika Damerla: I just wanted to commend you guys for coming out and sharing those very touching stories—very emotional. Thank you very much.

The Chair (Mr. Ernie Hardeman): Ms. Sandals, did you have a comment?

Mrs. Liz Sandals: Thank you, Christin, for capturing that homophobic or transphobic bullying is about perceptions of difference. It isn't necessarily about whether you are gay, whether you are lesbian, whether you are trans, whether you are queer; it's people's perceptions. So in very many cases, it's actually straight kids who happen to be different who can be subject to either

transphobia or homophobia. Thank you for mentioning that, because I think we often don't recognize that in part the reason the statistics, the numbers, on how many kids have been bullied as subjects of homophobia or transphobia are so high is because it has very little to do with reality. Obviously, for you, it has been the reality. But thank you so much for sharing your observations.

I'm assuming that the suggestions for change in the bill that were outlined by Queer Ontario are generally ones that you would be wanting, too? Did you have an opportunity to see this document? I don't want you agreeing to something you haven't seen.

Ms. Susan Gapka: We've been working really hard on Toby's Act, so we just wanted to present that human face. We wanted to be supportive of working together so that our children can grow up to be adults.

Mrs. Liz Sandals: Thank you so much for your presentation; that was very moving.

The Chair (Mr. Ernie Hardeman): To the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Just very quickly, it's good to see you, Susan. Thanks for your courage in sharing today.

My colleague has something she'd like to say to you, Christin.

Mrs. Jane McKenna: I'd like to say to you that I think you're absolutely beautiful and that I would only hope to have half of your strength. You're an inspiration here today. All of us are God's children. Thank you so much for what you said today. It was absolutely inspiring.

The Chair (Mr. Ernie Hardeman): Okay, thank you. I think that takes all the time, so the next one will start with the New Democrats. Thank you very much.

Ms. Susan Gapka: Thank you so much.

The Chair (Mr. Ernie Hardeman): I have to get the right orders in this—

Ms. Susan Gapka: We'll submit our written deputation when we arrive.

The Chair (Mr. Ernie Hardeman): Yes, that will be much appreciated. Thank you very much for your presentation. It is indeed appreciated.

Our next is the Public Education Advocates for Christian Equity, from Hamilton. The clerk just checked to make sure that they're not outside. If they aren't, do we have His Name Was Steven? Is Mike Urry here?

Yes, Ms. DiNovo?

Ms. Cheri DiNovo: Might I make a suggestion, Chair? We're running a little early, which is a delight for many of us here, but maybe the next groups that are coming to depute aren't here yet.

The Chair (Mr. Ernie Hardeman): That's why I wanted to make sure that they are here. We're just waiting—

Ms. Cheri DiNovo: I was going to suggest taking maybe a bit of a break and then coming back—

The Chair (Mr. Ernie Hardeman): Yes, we'll just—
Interjection.

The Chair (Mr. Ernie Hardeman): Oh, they're here.

Ms. Cheri DiNovo: —unless they're here now.

The Chair (Mr. Ernie Hardeman): They're here.

Ms. Cheri DiNovo: Okay, here we go.

IMPACT EDUCATION

The Chair (Mr. Ernie Hardeman): This is the Public Education Advocates for Christian—

Ms. Vivien Kwong: We're Impact Education.

Ms. Lisa MacLeod: We'll take this one.

The Chair (Mr. Ernie Hardeman): Hmm?

Mr. Peter Tabuns: We'll take them. Welcome.

Interjections.

Mrs. Liz Sandals: The next delegation isn't here, and we're looking for any delegation—

Interjections.

The Chair (Mr. Ernie Hardeman): Okay, we'll just give everybody—

Interjections.

The Chair (Mr. Ernie Hardeman): This is Impact for Education?

Ms. Vivien Kwong: This is Impact Education.

The Chair (Mr. Ernie Hardeman): Okay.

Mr. Alexandre Chenu: We were supposed to be the last one—

Ms. Lisa MacLeod: You can come in, though—

The Chair (Mr. Ernie Hardeman): Well, it doesn't mean it will be the last, but if you are here, and if everybody that you wanted to be here is here, then we'll hear you now, because we are a little early for the presenters before you, who are not yet here—

Mr. Alexandre Chenu: Let's go.

Mr. Peter Tabuns: Let's go. I agree.

The Chair (Mr. Ernie Hardeman): This will work out very well for the committee. If you can find the chairs there, all of you can sit at the table.

Interjection.

Ms. Vivien Kwong: Around what time should we end?

The Chair (Mr. Ernie Hardeman): We'll start with the instructions. Thank you very much for being here. You will have 15 minutes to make a presentation. You can use any part of that. If there's any time left at the end of your presentation for questions, we will have questions from the committee. This round, the questions will start with the third party. How much time there is will determine how far we get around the circle. We thank you for keeping it within that 15 minutes and we thank you for being here.

I would like to ask that when you start your presentation, make sure you start it with putting your name on the record for Hansard. If you could just speak into the microphone—the microphones work automatically, as you can see. The centre one is already active. The floor is yours, and thank you for being here.

Ms. Vivien Kwong: Okay, 15 minutes. All right. Hello, everybody. My name is Vivien Kwong. It's my pleasure to speak to you on behalf of Impact Education.

Impact Education is a group that has communications networks, primarily through email, with an estimated

reach of about 25,000 people in the GTA. Our mailing list consists of people from across the province, and I actually do have photocopies—sorry, just in a rush to get here.

Impact Education works primarily with students, teachers, teacher assistants, principals, superintendents and trustees who are versed in the education field and understand the day-to-day climate within the public school system.

Bullying is an issue that needs to be dealt with. There's no doubt about it. Bullying among youngsters has been a serious problem, and the recent public case in Ottawa of Jamie Hubley, who committed suicide, shows that something needs to be changed. Legislation needs to be created to help people like Jamie and many others.

Bill 13 is a starting point for legislation to address safe schools and the issues of bullying around three primary groups: the LGBTQ students, the disabled and those of different races or ethnicities.

However, Ontario needs legislation that protects more than just a few groups of people. We need legislation to be inclusive to all groups. We need legislation to protect LGBTQ students. We also need legislation to protect students with physical disabilities, psychological needs, ethnic, religious and socio-economic needs. Bullying is wrong no matter what.

1910

Bill 13's exclusive focus on particular groups of students has failed to protect every child from all forms of bullying. Bill 14, however, is inclusive to all people. Since Bill 14 does not specifically address certain groups, its principles and values can be implemented for generations to come. It speaks to every situation and not just some situations. Along with many other reasons, as many presenters have already mentioned, Impact Education asks you to remove or amend Bill 13 and to support Bill 14.

As educators, we would like to see the implementation of the bill to be effective. That means it's practical and applicable to resolve the issue of bullying in the everyday reality of working with kids. Making the policy is your job, but when it comes down to it, it's the educators, the administrators, the teachers, the students and the parents who have to face the reality of bullying. If the anti-bullying bill cannot be applied in practical terms to resolve bullying in all situations, protecting all students, it's not very useful.

Let's come back to the reality of how schools are like for kids today. Here I have today with me Caly Burleigh, from Brampton. She is 13 years old, currently in grade 8, and would like to share with you what's been happening at school. Caly, can you tell us a little bit about what you've been learning at school in relation to bullying?

Ms. Caly Burleigh: Well, at my school we've been learning almost every other day practically about different issues on the gays, lesbians, bisexuals and their lifestyle, how they live, why they live that way, and the families that they have and the different genres of that lifestyle. For me, personally, it is getting a little too

much. A couple of health classes is perfectly okay because it is good to educate, but doing it all the time is just pushing it on everyone. It's saying that if you don't support this, then you're a homophobic bully.

I love everyone; I just don't support the lifestyle. If I say that to anyone, I definitely know I am going to get bullied for it because they're just going to ask me, "Well, why don't you like this? Why don't you support this?" And I'm just going to have to tell them that I don't support the lifestyle because it's going against my religious beliefs that I've grown up with. I can't pretend to be someone who I'm not, right?

Ms. Vivien Kwong: Do you feel that you're able to express yourself in school in that way and to say, "Okay, I don't support this"?

Ms. Caly Burleigh: No, I feel shut down and I feel scared and I just want to go in a corner or just leave the room whenever this discussion is being brought up anywhere. Like, in my school I have one teacher who's really supportive of this, and whenever something similar happens or comes up in the category of the homophobic sort of thing, then it just goes on and on. Most times—like, we wasted a couple of classes just talking about it. It's really frustrating because I'm one of the dedicated students; I just want to learn, and to keep learning about something that I already know feels like a waste of my time at school, because I really would like to just learn something that I don't know.

Ms. Vivien Kwong: And from your knowledge, looking at people that you know at school, people of your age group, who is being bullied? What kind of people are being bullied?

Ms. Caly Burleigh: Well, at school I know very few gays or lesbians. I know maybe four, and none of them—not even in the past have I heard at my school about bullying in that way. It's usually the people who have glasses, because of their height, because of their intellect—everything like that. I mean, even at our bullying day every year, that wasn't—that seemed like a joke, because it wasn't even explaining the majority of the people who actually get bullied. They were showing plays and dances and stuff, and it made me feel bad for, like, people who I see outside at recess who are getting verbally bullied because of their size, because of their glasses. Because we're learning about it so much, it doesn't really make any sense to just continue with it.

Ms. Vivien Kwong: I see. Well, can you imagine just being afraid to speak your opinion for fear of being bullied? I mean, isn't that exactly the reason why we need an anti-bullying bill, so that every child feels safe at school?

Unfortunately, Bill 13 does very little to help kids like Caly. In fact, Bill 13 further endorses and imposes the teaching of the LGBTQ lifestyles in a way that makes many kids feel uncomfortable, unsafe and scared to express themselves. The worst is, after all these efforts to prevent bullying, the bullying issue has not been resolved; or even worse, kids have become even more afraid to be themselves. Instead of being taught to respect

differences, they have learned to fear expressing their differences. Is this really what we want?

Before I continue, I'd like to invite another member to share his experiences.

M. Alexandre Chenu: Mesdames et messieurs, bonsoir. Je m'appelle Alexandre Chenu. Je suis né à Paris et ai été élevé à Paris tout au long de ma vie. Je suis le représentant français de l'association Impact Education.

Le Canada est un pays où on peut fonder une famille, où les valeurs chrétiennes sont respectées, et où l'éducation est un point central pour les futurs enfants que nous souhaitons avoir. En France, pour remédier aux problèmes liés à l'intimidation, le gouvernement a instauré des lois dans les écoles qui ont malheureusement contribué à mettre l'accent sur les différences culturelles. Par exemple, la loi sur la laïcité en France dans les écoles ne me permettait pas, en tant que chrétien, de porter un collier avec une croix, ou pour les femmes musulmanes, de porter le voile. La diversité culturelle aurait pu être une force, mais par ses lois, la France a créé une atmosphère consistant à uniformiser toutes les personnes de l'école par peur de voir cette diversité grandir. Mais au lieu d'inciter les élèves à se respecter les uns les autres, la France a créé des lois qui font en sorte d'uniformiser les gens avec l'espoir d'avoir peu de conflits. Est-ce que cela marche? Absolument pas.

Avec Bill 13, la liberté parentale est supprimée. Le gouvernement augmente les lois pour avoir plus de contrôle, mais, comme en France, le respect décroît lorsqu'on fait croître les lois.

Que les choses soient claires entre nous : nous souhaitons tous éradiquer l'intimidation à l'école et pour cela, nous avons besoin d'enseigner aux enfants comment se respecter les uns les autres, même si nous avons sur certains points des différences d'opinion. Nous devons leur apprendre à avoir le courage de discuter ensemble pour partager nos pensées, mais également montrer du respect face à une tierce personne possédant des idées différentes pour éviter les intimidations, que des idées incorporées par Bill 14.

En ce qui concerne l'intimidation à l'école, j'ai beaucoup de connaissances sur ce sujet, car j'ai été moi-même intimidé par un grand nombre de personnes. Ma pire expérience, parmi tant d'autres, a été d'avoir ma photo trafiquée via un logiciel type Photoshop, et exposée à tout mon collège avec le nom « fatman ». Vous rendez-vous compte de la gravité de ce geste? Je peux vous laisser imaginer ce que ça fait d'être maltraité, non pas par une ou deux personnes, mais par toute une école entière, et ceci tous les jours.

Ms. Vivien Kwong: And I am sure you have heard of similar stories, where countless kids are being made fun of mainly because of their physical appearances and very hurt as a result. There's no real use in identifying all the possible reasons that one could be bullied and elaborating on them.

Bill 13's reference to equity and an inclusive Education Act makes it easy to impose certain values that not everyone agrees with, such as the ones where the recent

TDSB's Challenging Homophobia and Heterosexism curriculum resource guide derives its legitimacy from. That's a real waste of time, as Caly has mentioned. Why should we spend so much time dealing with who shouldn't be bullied and going into details about the characteristics of these victims when the real issue is that the act of bullying is wrong, no matter who it is? The last thing the school needs is yet another thing to be taught, taking up time and found to be ineffective. There are thousands of reasons why someone could be bullied, and we can spend hours talking about them. What kids need to be taught is that bullying is simply wrong, no matter what the reasons are. They need to know the impact of bullying is that it hurts other people, that it makes other people feel unsafe, insecure, humiliated, and that's simply a wrong thing to do.

Let's be real: If the anti-bullying bill does not protect my child, then there is a problem. If it does not protect your child, then that's a problem. Public education has to meet the needs of every child.

1920

Are you a member of the LGBTQ community? If not, are you and your children protected under Bill 13? If even just one person, one group, one community is not being protected under this legislation, then it's non-inclusive and it's not equity. That's pretty much the problem with Bill 13.

Maybe you happen to be a part of this community that Bill 13 addresses. Of course one would always support something that benefits oneself. But what about other people? What about the communities that you represent? What about the rest of Ontario? Is it fair that the bill should be passed in favour of just a few groups while sacrificing the interests of others?

M. Alexandre Chenu: Sachant que le Canada est un pays où règne la démocratie, je vous suggère fortement de prêter attention à la voix de la majorité.

À présent, je vais vous donner une définition de la démocratie selon Wikipédia: « La démocratie est le régime politique dans lequel le peuple est souverain. La formule d'Abraham Lincoln » pour la définition de la démocratie est « "le gouvernement du peuple, par le peuple, pour le peuple" ... Cette définition est proche du sens étymologique du terme démocratie, du grec ancien *dēmokratia*, "souveraineté du peuple", de *dēmos*, "peuple", et *kratos*, "pouvoir", "souveraineté". » En France, la démocratie est représentée par la V^e République, où le credo est: « Liberté, Égalité, Fraternité. »

Chacun d'entre vous ici a été voté pour que vous puissiez représenter la majorité. Vous êtes la voix de notre opinion. Selon Alliance for Family Values, plus de 95% des habitants interrogés sont contre la loi Bill 13. Or, représenter la majorité, c'est également agir selon la volonté de la majorité. Vous avez été élus par la majorité par les personnes de votre région. Vous savez que notre démocratie protège les droits des citoyens. Vous savez ce qu'est la justice sociale et comprenez qu'il faut se soulever pour protéger ceux qui ont besoin d'être

protégés. Créez un projet de loi qui comprend tous ces principes pour tout le monde.

Pour terminer, je peux donc vous dire que Bill 14 présente de nombreuses solutions pour contrer l'intimidation, et tout le monde ici est concerné, alors que Bill 13 ne touche qu'un certain groupe et un certain type de personnes. Le Canada, par rapport à d'autres pays, est à la pointe du progrès pour ce qui est du système éducatif. Enfin, un pays est démocratique uniquement lorsqu'il écoute la voix du peuple.

Ms. Vivien Kwong: In summary, bullying is a serious problem. We cannot deny the tragic, painful and lifelong impacts it has on our young people. Impact Education is asking you to remove references to specific groups in the bullying legislation. The anti-bullying bill needs to be protective of all students and applicable in all situations for many generations to come. Bill 14 does this very well. Ontario needs legislation to protect LGBTQ students as well as every other student who is being bullied for whatever the reason may be. Let's have legislation that reflects this reality. Examine Bill 14, amend Bill 13.

Thank you for your consideration and your time.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That has reached the end of the 15 minutes. We thank you. You timed that out almost perfectly. Thank you for doing it just ahead of your schedule. We very much appreciate that, too. We will carry on from there. Thank you very much for making your presentation and good luck.

PUBLIC EDUCATION ADVOCATES FOR CHRISTIAN EQUITY

The Chair (Mr. Ernie Hardeman): The next delegation is Public Education Advocates for Christian Equity from Hamilton.

Ms. Lisa MacLeod: Chair, if I may, full disclosure here: Me and Phil were on the campaign trail at the same time. He ran against our party leader, Tim Hudak, and I went down to debate him, down—where did we have the debate?

The Chair (Mr. Ernie Hardeman): Excuse me, I don't think we need disclosure of that. I think this is a non-partisan committee hearing. We wish everyone well in their endeavours at election time, but this would be a totally different issue today.

Mr. Bob Delaney: Mr. Chair, we will pick up on a point of order if either side carries on wherever they left off in the debate.

The Chair (Mr. Ernie Hardeman): Yeah. Thank you very much for being here. You have 15 minutes to make your presentation and you can use any or all of that for your presentation. If any time is left at the end of your presentation, we will have the members of the committee ask questions, and we will start with the third party in the rotation. With that, if you would, before you start, sir, give your name on the microphone so we have it for Hansard. Welcome. The floor is yours.

Mr. Phil Lees: Thank you, Mr. Hardeman. My name is Phil Lees. I'm the president of an organization that was founded in Hamilton called Public Education Advocates for Christian Equity. To give you, maybe, a little bit of background—actually, you've got to be tired of speeches read over and over. I think I'm going to try to be a little off-the-cuff. The materials are here.

Fifteen years ago when I started this organization, it started as a result of curriculum that was in conflict with my daughter, who was only 10 years old—came across. And I spent 30 years in public education as well, as a teacher, as an administrator, and even two years at the ministry. At this time, I wasn't concerned or afraid of asking questions, so I asked those questions and, as a result, we found that there was curriculum that many families were concerned about. So we created this organization. In the first two pages, there's an explanation of the organization. I won't go into the details, but basically it's an organization that works with school boards to communicate the traditional values of families and ask that they be respected. We've built some very positive relationships in Hamilton. As a matter of fact, Hamilton is one of the secular school boards in the province of Ontario that has a religious accommodation policy for traditional-principled families that applies to curriculum. We're very proud of that and pleased with that, and we're working with the school board on that.

I also wanted to share with you that I'm concerned about bullying. As a teacher, I saw a huge increase in the last 10 years in bullying. Why is this? It bothered me. I also have a son who's a teenager in high school, and my son has been bullied incessantly since grade 2, so much so that in grade 5—and again, about the homosexual slurs and homosexual issues—we had to remove him from the secular public school system. Then we sent him to six schools and said, "Which school do you prefer?" He chose a private religious school. Afterwards, we said, "Why?"

He said, "Because the kids there like me. They don't bully me."

Then in high school, we had to put him back into the high school secular public system and he's been bullied incessantly. He's mockingly sodomized at the water fountains. He's constantly asked to go out on dates. Although his learning style is one that's more practical in nature, he doesn't dare enter into the tech facilities because that's where he gets bullied even worse. So he takes fashion and he takes cooking and he gets bullied because he does that—and then he gets bullied by the gay students who have built up confidence as a result of being in the GSA clubs because he won't go on dates and participate in sexual activities. With that little bit of personal background, I come to the committee.

Basically, when I look at Bill 13, I've got some concerns. I don't want to duplicate over and over what you've already heard, but if you turn to page 4 in the report, three concerns:

(1) This legislation only addresses bullying on a selective basis and does not address the most common

reasons for bullying. I won't go into that in too much detail because that's gone over and over.

(2) It mandates the implementation of an equity-inclusive education strategy which, in the past, has resulted in mandated sexualized, sensitive curriculum, beginning in kindergarten. I know the question is going to come up, but the legislation says nothing about curriculum, and I'm going to address that.

(3) The legislation also imposes a provincial code of conduct being developed by the Ontario Human Rights Commission, which has input into this, over and above provincial and federal laws on any religious organizations and churches renting publicly funded school property.

With the limited time that I have, I'm going to do the best I can to deal with these, but I think it's most important that I leave time for questions as well.

(1) Mandating the equity policy: Although the legislation does not specifically mention curriculum, it mandates the implementation of the equity and inclusive education strategy, which I have a copy of, which in the past has led to sensitive sexual and alternative sexual lifestyle curriculum integrated into the classroom, beginning in kindergarten.

1930

Why are people concerned? Traditional-principled families accept that people have the right to choose how they live, but that the lesson concepts, presented from the context of a secular, humanistic perspective, could lead to confusion in the minds of our young children about what's right or wrong for them as they're being raised from a traditional world view. This is of great concern, for, as people of faith, these challenges could compromise the child's religious beliefs and spiritual relationship. I know there are a lot of people who don't believe in those things, but those are protected under section 2 of the federal Charter of Rights and Freedoms.

What does Bill 13 actually say? In paragraph 29, it says, "Require boards to develop and implement an equity and inclusive education policy, and, if required by the minister, submit the policy to the minister and implement changes to the policy as directed by the minister." You know what? Politicians responding to this, like I say, say this legislation has nothing to do with curriculum, but it absolutely does. You mandate this policy, you mandate this, to the satisfaction of the minister. What that means is that as a parent, if I have a concern about some curriculum at the local level, the school board is going to tell me, if I go to the teacher, "Oh, I can't do anything about it." If I go to the principal, "I can't do anything about it." If I go to the trustee, "I can't do anything about it." The superintendent will tell me, "It's because the Minister of Education says we have to do it." So here we have, again, an example of government removing local autonomy and communication with the local citizens. If we're going to implement any kind of equity policy, it needs to be done at the local level with the input of the school board trustees so that they can also respond to the local people.

A little bit of history: The equity and inclusive education strategy, the EIE strategy, was written under the direction of Minister Kathleen Wynne. It does implement curriculum and lead to curriculum that many people find of concern. For example, on pages 16 to 17 in the document, the policy strategy encourages school boards to celebrate gay pride parades as equity-related work. If you have a look at page 6, I've taken the quote right out of the document so that you can see it there. Examples of images that students would look at are also there. If you look at the Toronto District School Board's Challenging Homophobia and Heterosexism document, it's recommended that this activity be done in grade 3. This document is used as a terms of reference document for revising all curriculum.

In 2010, you'll remember, the sexual health curriculum was revised in light of this document. In April 2010, Dalton McGuinty was forced to withdraw the curriculum because portions of the health curriculum had content in them that many families were concerned about. It's listed there. It taught six-year-olds about human sexuality parts. It taught eight-year-olds about homosexuality and gender identity, that you may be a boy but can choose later to be a girl. It taught 10-year-olds that gender identity and sexual orientation cannot be changed—sorry. It taught 10-year-olds that gender identity and sexual orientation cannot be—oh, wait a minute; let me skip to the next one. It taught sixth-graders instructions on the pleasures of masturbation and vaginal lubrication, and seventh graders about anal, oral as well as vaginal sex. Many families were concerned about this, and they responded. Then, you remember, as a result, McGuinty said, "But wait a minute. We had input from parents. We had input from parents." But if you look at the list of organizations that had input in it, there weren't any parent groups that had an input. There was, however, input from the Coalition for Lesbian and Gay Rights in Ontario. Do these lobby groups represent the values of everybody? That's what we're concerned about.

After many people expressed concern, the curriculum was removed, so this document is a terms of reference document. But what happened was, when the Ministry of Education found that they couldn't change curriculum—put it on the website, because the right-wing, redneck homophobes would respond to it and express concern, even though they have the right to be interested in what their children learn. Then the ministry works with Toronto District School Board, develops the TDSB's Challenging Homophobia document, which was immediately put on the website.

I've got to tell you, I worked for 30 years in public education, and I never saw a school board that invested a ton of money into developing curriculum put it on the website for free. But that's how the Ministry of Education is going to get this curriculum out, because they put it up on the website, and then when we do the inclusive education training—by the teachers' unions or whatever—across the province, we refer to this curriculum document.

The document undermines the rights of faith families to be informed, because if you check out the Toronto District School Board's Challenging Homophobia and Heterosexism document, on page 10, it has frequently asked questions for teachers: "Should we inform parents of the sensitive material when it's being instructed?" The answer is no. "Should parents have the right to have their children opt out?" The answer is no.

For traditional-principled families of faith, the concern is not that people have the right to choose how to live, but that these concepts, presented from the context of a secular, humanistic perspective, may lead to confusion in the minds of their children about what's right or wrong, and they just want to have input.

Our families take documents into the school and they sit down with the teacher. They're interested in the teacher. They ask questions about what their favourite colour is and what they like and talk to their kids about their teacher, and they say, "You know, we raised our kids from a traditional perspective, and if curriculum comes up, such as"—and it's not just homosexuality; if you'd like, I can give you the document. There are all kinds of things: values-neutral education, occulted principles and practices etc. "If anything comes up in class that's planned, could you let us know ahead of time so that we could either choose to send our child and then talk to them about what they've learned afterwards, or if we think it's a little over the top, we may choose to keep our child home or not participate, and we just ask for that right." The relationship that's been built has been very positive, and our families are concerned that as a result of Bill 13, they may lose that right to ask those questions and have that input.

When it comes to bullying addressed on a selective basis—and we have not much time—you heard from the last group about that issue. I just want to draw to you some references on page 9. Have you looked at the 2009 police-reported hate crime from Stats Canada? The number one reason—and this is for teens—for police-reported hate crime is racially or ethnically motivated hate crime. You've got that in your list. Number two is religion. Religion doesn't even make it into Bill 13. Number three, of course, is sexual orientation.

Minister of Education Laurel Broten reported in her second reading speech that one in three students report that they're bullied. Two thirds of the LGBT students report feeling uncomfortable. Well, if you consider the Canadian Community Health Survey that says that 2% of people from 19 to 59 identify as LGBT, and then take those stats and apply it to a school of 1,000, one third of those students—330—are bullied. Twenty of those students identify as LGBT; 13 of those feel fearful. What about the 330 other students? There's other information in there. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does consume the time. We appreciate you coming in.

HIS NAME WAS STEVEN

The Chair (Mr. Ernie Hardeman): The next is His Name Was Steven: Mike Urry. Is Mike here?

Mr. Mike Urry: Hi. Thanks for getting the name right. No one does.

The Chair (Mr. Ernie Hardeman): Thank you for coming in. As with the other presenters, you will have 15 minutes to make your presentation. You can use all or any part of that time to make your presentation. If there's time left at the end of the presentation, we will have questions from the committee. We will start the questions with the third party. If you would, as you start your presentation, if you would give your name first for the record. Thank you very much, and the floor is yours.

1940

Mr. Mike Urry: Thank you. My name is—excuse me, I have a bit of a frog in my throat tonight. My name's Mike Urry. I'm the father of a child who killed himself six years ago after being bullied. He came home from school one day, and he hung himself in the bedroom closet. Steven was 13. He wasn't gay; he wasn't religious. He wasn't any of the other categories. He was just a little kid.

The schools did nothing—nothing at all—to the people that tortured him. They weren't suspended. They weren't expelled. They were moved to a different school.

In order to deal with my grief, I started a group called His Name Was Steven. We advocate for bullied children. We find resources online to help teachers, students and parents deal with this. After looking for answers for a lot of years, I finally went online, went on Facebook and causes.com, where we now have over 5,000 members.

We're also affiliated with the Speak Out crew, which is the pink shirts you may have seen around. I was fortunate enough to be featured in a documentary called Speak Out—The Documentary, which just won an award at the Honolulu film festival. My son's picture, also by luck, somehow made it into the movie Bully, which is in the theatres now. You can see him halfway through the movie in an event going on in Philadelphia.

Now, I may not be as high-profile as some of these other organizations, but that was deliberate. I wanted to start from the ground up; I wanted it grassroots. As a result, our members are extremely dedicated. Over 65% of our members are mothers and grandmothers, and I can tell you, they're extremely concerned about Bill 13 and what it lacks. What it lacks is protection, as these other allies of mine have said, for the kids that don't fall into those categories, like Steven. They're a diverse group, but the biggest group, like I said, is mothers between 30 and 55. I've spoken to them at length for years now, and some of the stories they tell me are horrific.

They tell me that they're concerned that the clubs that are being set up aren't going to be effective. Why? Because bullies aren't going to join clubs, so it leaves the bullies out of the equation. Because a lot of students I've talked to said that they wouldn't join a club like that for

fear of being labelled gay and bullied even more. We don't see the point.

You have to be made aware of the real cost of what we're talking about. We're not talking about black eyes. We're talking about kids killing themselves. For every one you hear about in the paper, I can name you four or five other cases of children who have taken their lives that don't make the media because they don't want to talk to the papers. I myself told the local paper that I'd sue them if they even printed my name. I wanted nothing to do with it.

It's extremely traumatic. My wife can't be here tonight because she's still dealing with it. It has been almost six years now, and she still cannot function. She probably never will.

Consider this when you're considering how you're going to write this law. It has to apply to everyone. It has to apply properly. You can't just wish things away by training them to think one way or another. You have to have responsibility and you have to have a response.

As it stands now, teachers are handcuffed. They can't do anything, and they won't do anything. The day before my son took his life, a teacher saw him being beaten by three guys in the schoolyard. I have affidavits from five children who saw this and also saw the schoolyard monitor say, "I'm not going to deal with that," and walk away.

This kind of crap has to end. This is not a "politically correct" motivated thing. This is about children killing themselves. Imagine, if you will, walking into the morgue and seeing your little boy on a slab. It took me three years to be able to say that out loud. This is a serious issue that has to end, and it's not going to end with Bill 13. There's no responsibility. There's no—excuse me a sec.

You have to point out why it's happening. The requirement of accountability in Bill 14 will help that. As it now stands, Bill 13 won't improve that situation.

By using student surveys every two years to determine the effectiveness, you're not going to get usable good data. What you're going to get is students telling you what you want to hear. By requiring the investigation and reporting of all bullying incidents and for the minister to publish these numbers annually, parents can find out what's really going on. I have gone before school boards. I've gone before teachers and principals. I've been brushed off, I've been told not to worry about it. The last time I set foot on school property in Guelph, Ontario, where I live, I met the attending officer kneeling against the wall with my hands on the back of my head. I said, "I think I'm the one you're looking for," because the principal was so terrified of me telling her the truth and speaking out that she phoned the police on me. I may have been out of line, but I wasn't breaking any laws.

We also lack a useful definition of bullying, as these other people have been saying. A specific reference to cyberbullying is missing. That's what I think is missing the most from this bill. Bullying isn't happening in the hallways only; it's happening off-school. It's happening

24 hours a day, around the clock. Bill 13 mentions cyber-bullying and electronic bullying, but barely. It's far more prevalent than the physical kind.

If you go on a website like Twitter or Form—what's it called?

Interjection: MySpace?

Mr. Mike Urry: No—

Interjection: Facebook?

Interjection: Formspring?

Mr. Mike Urry: Formspring, thank you—it's a pit of bullying and abuse.

The kids see the online world as their community. It's not a telephone they carry in their pocket; it's their connection. It's who they are, it's what they do. Where we may have gone to school and worried about what we wore and which group we'd belonged to, they do the same thing too, but what's more important to them is what goes on on those iPhones, and Bill 13 barely mentions it. That has to be changed.

A lot of people have also mentioned that the word "may" occurs in the Education Act far too often. Often, the word "may" should be "must." If you allow wiggle room, if you allow options, what happens is what happened to our case. We called the police, we met with the board, we tried and tried and tried, and every single thing we did was passed off to someone else. The police wouldn't lay charges, the crown attorney refused to take the case, and the board and the school refused to do anything about it because the Education Act says, "They may do this and they may do that." It should say, "They must." Something has to be done. We're losing children every single week who you don't hear about. Something has to change. I don't believe Bill 13 is going to change that. I believe Bill 14 would help.

What else do we have here? I've lost my script because I just sort of shoot from the hip most of the time.

There are many children who might wish to support other students, but will be unwilling to join a club because of the very real threat that they'll be labelled "gay." Kids don't think like adults, and it's time the government started realizing that. They are not small adults; they are children. They don't see things the way we see them.

Under Dalton McGuinty, the government must be convinced to include Bill 14 as part of the anti-bullying response to alleviate the inherent problems with Bill 13. If we don't, then more kids are going to take their own lives. I was on the phone with a mother who told me she was speaking to her son when he pulled the trigger. I have heard from mothers every single day for the past four years about what happened to their children. This isn't just Ontario; this isn't just Canada; this is a worldwide problem. We have members from as far away as Russia, Korea, Australia, South Africa—all over the world, but the worst cases are in North America. Ontario needs to do something that will make a difference, and Bill 14 will make a difference by requiring response and by requiring responsibility for what's going on.

We have to drop the politics. This business of Liberals against Conservatives or NDP against Liberals and Conservatives has got to go. This is not something that should be about politics; this is something that is about little kids killing themselves. There's just no other way to do it. By sticking to a partisan viewpoint, all that's going to happen is more kids are going to die before anything gets done. That can't happen anymore.

It's impossible to tell the effect of finding your child dead. I've been fortunate in that I can write; I'm in the midst of writing a book. Some of my writing has appeared in a book called *Ironsides*. It's the companion to an anti-bullying movie that is being released June 1. I've been lucky that way, because I've reached out to people and they've come to me. Every single day, I find resources for people; I find help for those that are bullied, parents that are up against school boards and schools that will not respond.

Bill 13 allows too much wiggle room. It allows them to pass the buck, and that's exactly what they're going to do. If the school boards are allowed to collate the data and keep it to themselves for their own internal use, I can tell you exactly what's going to happen: Nothing.

Anyway, I'm going to get angry if I keep talking any longer, so I guess I can answer some questions to break up the time here. Thank you for your time.

The Chair (Mr. Ernie Hardeman): All right. Thank you very much. We do have a few minutes left. The first one was going to be Mr. Tabuns.

Mr. Peter Tabuns: Mike, thank you very much for being here today. What you had to say was quite powerful.

Can you tell us, when your son was going through these very, very difficult times, what were the things that you tried to get the schools to do to address the issues?

Mr. Mike Urry: We tried talking to the school and getting them to deal with—there were three primary bullies: one leader and two followers. They refused to even discuss it because of privacy issues. We know who the kid is. He still lives in my town. We went to the police. The police wouldn't do anything. Steven gave a statement to the police one week before he died. He told the truth, and the police wouldn't do anything. We contacted the school boards, and they told us it was up to the schools because they have the individual policy and they should apply it. As I said, I went to speak to the principal, and she phoned the police on me.

We tried everything a parent can do. We talked; we tried getting people's attention. None of it worked—nothing. The last time, the most severe case of bullying in his case, was in a school bathroom. They took a can of AXE body spray and set him on fire. They put the video on YouTube. It's still up there because it can't be taken down once it's spread. I can't tell you what that does to my family.

I haven't even seen the documentary I was in because I can't watch it. But we've tried and tried and tried to do everything we could. Nothing worked. We were going to pull him out of school two weeks later, but we didn't get

a chance. These things happen fast. In this case, it was three months—one semester. Every school he'd gone to, he'd made friends. He was a happy kid. Every kid in the neighbourhood got along with him. The memorial page had 3,000 people join up within a week. That's how many people knew him and knew people that knew him.

Nothing worked. That's why we believe that the Education Act has to say certain things must be done. And it's not about whether the kid was gay; it's not about—because they call all of them gay. That's one of the most popular ways to bully someone: You just call them a fag. It doesn't matter if they are or aren't. What matters is the action; what matters is what they did. To allow a child to get beaten on school property and do nothing about it is totally unacceptable, and I don't see anything in Bill 13 that's going to change that.

I'm sorry. I'm getting carried away here. We went every way we could. We did everything we could. We

talked to him. We talked to students. We talked to parents. We got nothing. We got absolutely nothing.

The Chair (Mr. Ernie Hardeman): Okay. Thank you very much, and thank you very much for your presentation.

Mr. Mike Urry: I'm afraid I left the script a bit.

The Chair (Mr. Ernie Hardeman): It does conclude the 15-minute time frame, and we do wish you well and hope that there was some relief in coming to tell us the story.

Mr. Mike Urry: Well, we'll be up to 6,000 members by the end of this week, probably. We'll be paying attention.

The Chair (Mr. Ernie Hardeman): Thank you very much. We commend you for the work you're doing on this issue now.

That concludes the hearings for today.

The committee adjourned at 1954.

Queer Ontario.....	SP-112
Mr. Nick Mulé	
Mr. Casey Oraa	
Mr. Michael Knight; Mrs. Nancy Knight.....	SP-114
Trans Lobby Group.....	SP-117
Ms. Susan Gapka	
Ms. Christin Milloy	
Impact Education	SP-120
Ms. Vivien Kwong	
Ms. Caly Burleigh	
M. Alexandre Chenu	
Public Education Advocates for Christian Equity.....	SP-122
Mr. Phil Lees	
His Name Was Steven.....	SP-125
Mr. Mike Urry	

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Legislative Research Service

Ms. Carrie Hull, research officer,
Legislative Research Service

CONTENTS

Monday 14 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten.....	SP-71
Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-71
Ontario Gay-Straight Alliances Coalition	SP-71
Ms. Marilyn Byers	
Rev. Deana Dudley	
Mr. Douglas Elliott	
Mr. Joe Grieco.....	SP-73
London Anti-Bullying Coalition; York Region Anti-Bullying Coalition	SP-75
Ms. Corina Morrison	
Ontario Principals' Council.....	SP-77
Mr. Colin Fleming	
Mr. Naeem Siddiq	
Guelph Anti-Bullying Coalition.....	SP-80
Ms. Lynne MacIntyre	
Ms. Briar MacDonald	
Ms. Kaleigh MacIntyre	
The Miss G Project for Equity in Education	SP-82
Ms. Alison Fisher	
Dr. Dominique Rivière	
Ms. Rebecca Roach	
Canadian Civil Liberties Association.....	SP-85
Ms. Noa Mendelsohn Aviv	
Bluewater Citizens for Education	SP-87
Ms. Lesa McDougall	
Mr. Jason Golloher.....	SP-89
Pan-Orthodox Association of Greater Hamilton; Eastern Orthodox Clergy Fellowship of Toronto	SP-91
Father Geoffrey Korz	
York Region Anti-Bullying Coalition.....	SP-93
Ms. Karen Sebben	
Catholic Students for Gay-Straight Alliances	SP-95
Ms. Leanne Iskander	
Toronto District School Board, Caring and Safe Schools and Gender Based Violence Prevention	SP-98
Mr. Ken Jeffers	
Ontario English Catholic Teachers' Association	SP-100
Mr. Kevin O'Dwyer	
Christian Heritage Party of Canada.....	SP-102
Mr. Jim Enos	
Ms. Yvonne Haley	SP-104
Mr. Dan Di Rocco	SP-107
Ontario Inter GSA Association	SP-109
Mr. Christopher McKerracher	
Mr. Chris Imrie	

Continued on inside back cover

A20N
KC14
- S78

SP-8



SP-8

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Official Report of Debates (Hansard)

Tuesday 15 May 2012

Journal des débats (Hansard)

Mardi 15 mai 2012

Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation



Chair: Ernie Hardeman
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 15 May 2012

Mardi 15 mai 2012

The committee met at 1617 in committee room 1, following a closed session.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): We'll call the meeting back to order. First of all, we thank the members in the audience for their indulgence for the one presentation that we've made.

ONTARIO PUBLIC SCHOOL
BOARDS' ASSOCIATION

The Chair (Mr. Ernie Hardeman): We now will start the presentations with the Ontario Public School Boards' Association. Thank you very much for coming forward to make your presentation.

Interjections.

The Chair (Mr. Ernie Hardeman): If we could just have the members of the committee come to attention, maybe the delegation can hear me make the comments. You have 15 minutes to make your presentation. You can use any or all of that time to make the presentation. If there's time left over for questions or comments, we will allow the committee to do that. In this case, we will start with the official opposition in the rotation.

Thank you very much for being here, and the floor is yours. If you would also state your name as you start your presentation for Hansard so your name can be recorded.

Ms. Catherine Fife: Thank you. My name is Catherine Fife and I am president of the Ontario Public School Boards' Association. You have copies of my comments. My preference is actually to move through them fairly quickly and leave room for questions.

Our association represents public school boards which serve two thirds of the elementary and secondary school students of this province—31 public school boards.

I thank the members of the standing committee for this opportunity to address the important implications of this proposed legislation. I would like to speak to some key elements of the Accepting Schools Act, Bill 13, as well as Bill 14.

We support the intent of the standing committee to look at the provisions in both bills and anticipate that this will result in a piece of proposed legislation that will add to the school system's efforts to create a positive, safe and caring school climate for all students in Ontario. We also feel that this legislation should be accelerated.

As an association of school boards, OPSBA has a strong record of advocacy for measures that ensure that the schools of Ontario are safe places for our students to learn and for our staff to work. We welcome the focus that is currently being brought to bear on addressing the destructive effects of bullying behaviour and we are supportive of the intent behind Bills 13 and 14.

As a founding member of the Coalition for Children and Youth Mental Health, OPSBA champions the value of focusing on the whole child. In our schools, we want to ensure that the social, physical, emotional and mental well-being of our students is nurtured. This calls for a holistic approach to fostering pro-social behaviour in children and youth and underscores the importance of an integrated approach to supports and services for our young people.

We advocate a strong focus on a positive school climate. This is what we strive for through our character education programs and our approaches to equity and inclusion. We want an environment that has no place for bullying behaviours. We want to see legislation that supports an integrated and consistent approach to the implementation of policy and recognizes the need for

self-development in our schools that can be delivered in an integrated way.

When we look at the definition of bullying in Bill 13, we feel that the emphasis on repeated behaviour does not take into account a situation where there is a notable single act that is intended to cause harm. We feel that this does happen and it should be recognized. We certainly support the recognition of the role that technology and social media have played in today's society and welcome its inclusion in any definition of bullying. We believe that the specific reference in Bill 14 to cyberbullying is a valuable inclusion to recommend, but recommend that the specific examples given in this bill not be incorporated in legislation and would suggest a general example along the lines of "engaging in activities such as inappropriate online behaviour."

Under student well-being and surveys: When the Education Act was amended just over two years ago, responsibility for student well-being was included in the governance responsibilities of school boards. The scope of the term "well-being," however, was not defined. School boards, however, have always felt that student safety, wellness and readiness to learn are intricately connected and linked with student achievement and well-being, and we are committed to ensuring safe and nurturing learning environments.

We want to direct our energies and our resources to students and classrooms and suggest that legislated requirements such as the one for conducting surveys in this bill be aligned with what schools are already doing in terms of school climate surveys. Bill 14 proposes surveying staff and parents/guardians as well. Many boards already do this. Another proposed requirement of Bill 13, under section 6, related to the reporting of incidents of bullying, would also benefit from alignment with existing policies dealing with reporting requirements under the safe schools provisions act. These reporting procedures should be consistent with what school boards are doing already.

The holistic approaches that I mentioned earlier: The emphasis on measures that address bullying behaviours brings me back to my earlier point about the desirability of a holistic approach to addressing issues of pro-social behaviour which would include all students: those who engage in inappropriate behaviour, those who are directly impacted by it and those who are also involved because they are witnesses to it. OPSBA suggests that wherever possible, curriculum be carefully integrated with other similar initiatives such as mental health and inclusion and equity to provide continuity within a common framework and thereby promote a positive climate for learning and working. OPSBA is also on record for calling for support for boards to incorporate violence prevention education in all aspects of the curriculum and has emphasized that it is vital to strengthen programs which teach responsible social behaviour and address important issues including racism, sexism, homophobia and youth alienation.

The proposed changes to the provincial code of conduct provisions of the Education Act are highly

prescriptive. They are also expanded to deal specifically with bullying prevention and intervention. The staff training provisions will raise possible collective agreement implications for how it can be scheduled and how it will be funded. OPSBA further suggests that any training needs to be integrated into other staff training. The requirement for mandatory training is already an issue for school boards in a variety of health and safety areas. There is considerable pressure on the effective use and timing of professional development days in ways that both support requirements for training and the efforts of school boards to sustain and improve student achievement. These are challenging economic times and OPSBA feels that the government will need to fund the training and resources required to implement the policies and guidelines.

Boards across the province should be supported to have a consistent approach to bullying prevention and intervention. We believe that the provision in Bill 14 which calls for the minister to develop a model plan that would guide what local boards put in place is an effective approach. We do not feel, however, that the elements of the plan should be spelled out in legislation. It should be the responsibility of the minister to develop a model that incorporates the most up-to-date, evidence-based approaches.

The proposed provisions that support certain pupil activities and organizations align with practices that currently exist in schools in our public school board system. We believe that bullying can be inflicted on anyone, and we also believe that there is evidence that bullying is inflicted on children and youth specifically because of their race, because of their gender, because of their sexual orientation or their ability. It is crucial that all students in this province are safe and able to pursue their education free from discrimination, from stigmatization and from victimization.

Many of our schools have after-school voluntary clubs such as equity clubs or gay-straight alliances or other peer-support clubs known by names that the students have chosen. These voluntary clubs support students in activities that promote inclusion, caring and safe schools, and they represent a haven for many young people. There is credible research that shows that schools with gay-straight alliances or similar voluntary peer-support clubs are safer and they are more inclusive learning environments. The passage of Bill 13 would be another important step in that direction.

OPSBA notes and welcomes, in addition, the inclusion of people with disabilities in this bill and sees this as supportive of the provisions of the Accessibility for Ontarians with Disabilities Act.

Our responsibility is to support our students to succeed and foster pro-social behaviour. We suggest that, as with all other causes for suspension or expulsion, the decision to suspend or expel be exercised with great care and that suspended or expelled students be offered appropriate supportive programs, such as restorative justice.

On a related matter, we believe that trustees who have responsibilities dealing with expulsion hearings should be supported in this role by appropriate training.

The subject matter of these bills represents a complex and important social issue. It is an issue that extends beyond the school and one that schools, families and communities must work together to deal with. We believe our students and our schools are best served when policy implementation and staff training that are related to safety, character education, mental health and well-being, inclusion and equitable practices around bullying are integrated and understood as interconnected components of a comprehensive strategy to build a positive climate and a healthy learning environment.

We believe that we must move past respecting differences. We need to accept and we need to embrace our own differences in our schools. Our diversity is our strength in the public education system in the province of Ontario. We should not just be aiming for tolerance; we should be aiming higher. We should be leading, because that is our job in public education.

The document we have left with you contains several specific recommendations based on the remarks that I've given you today. It is a pleasure to be here, and I thank you for the opportunity.

I'd like to leave you with just one quote from an anti-bullying initiative that recently came to the Waterloo Region District School Board, and it's a program called Breaking Down the Walls. The quote is, "It's hard to hate someone when you know their story." And that is our challenge in public education: We need to reconnect students with students, parents with students, the administration with the school culture. There are real challenges, but there are ways that we know work. Gay-straight alliances or equity and inclusion clubs or rainbow clubs—or call them whatever—create safe spaces in our schools, and they are an important part of ensuring that our students are successful in a safe learning environment.

1630

I thank you for your time today and I would welcome questions from all the members.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about two and a quarter minutes. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks very much, Catherine, for coming in today. I appreciate that.

There are a lot of kids and parents that have been here throughout the past four days of hearings. One thing that comes up frequently—regardless of which school board it is, what part of the province and regardless of what type of bullying—is the frustration in dealing with school boards. I appreciate that there are school climate surveys and there's a resistance on the part of boards to do a little bit more, but we're hearing from parents—and some of them are here today—that they want more tracking done, they want reporting. At the end of the day, they want someone held accountable for their kid being bullied and nothing being done. So I'd ask you to respond to that.

Some of the instances from some of the kids and from some of the parents have brought members of this committee to tears. They have left an indelible mark on how we view both pieces of legislation in front of us. It makes us wonder where in the system we can better protect the kids.

I understand when you say that clubs might be one part, but it's not the full part. We're hearing from people who are up against a system that is broken. I get that you want to move past respecting differences and embrace them, but at the end of the day, something's got to give. It's very frustrating for us, as legislators, with legislation before us. You've cited a number of acts and school climate surveys—but something is just not stopping this from happening.

Ms. Catherine Fife: I appreciate the question. I'm on the front line as a school board trustee, so I get those calls. I would suggest to you that we have moved the agenda forward at the local school level. This is a societal issue that we are facing, and what I'm seeing in schools is remarkable. You cannot walk into almost any school in the province of Ontario without seeing some evidence that bullying is on the agenda. The issues that we've addressed in our delegation come down to training, they come down to accountability, and they also come down to having the best evidence to address the issue. We don't know what we don't know, and we are unsure as to what policies or programs are best working in the province of Ontario. That's why we need evidence-based policies to drive the agenda, not politics.

What I'm seeing is that the students are taking the leadership—because we have to be honest about the circumstances that we're facing. This is not just an issue that happens in the four walls of a school. This is happening in the community. This is a shared responsibility that we have as a society, including our parents. So we're looking towards engagement policies to pull everyone together. Just as this committee has come together, that's happening at local school boards.

Ms. Lisa MacLeod: The big thing, I think—

The Chair (Mr. Ernie Hardeman): We've used all the time.

Ms. Lisa MacLeod: All right. I appreciate it.

Ms. Catherine Fife: I thank you for the question. I look forward to seeing some very strong legislation from this committee.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

MS. GILLIAN LEA

The Chair (Mr. Ernie Hardeman): Our next delegation is Gillian Lea and Betty Richards.

Ms. Gillian Lea: Just to let you know, Betty Richards couldn't be here on a matter of personal—

The Chair (Mr. Ernie Hardeman): Okay. Thank you very much. You have 15 minutes to make your presentation. You can use any or all of it. If there's time left

at the end, we will have questions from the committee. The question round will start with the third party.

With that, if you would just say your name into the microphone to start your presentation, and from there on, the floor is yours for the next 15 minutes.

Ms. Gillian Lea: My name is Gillian Lea. I'm a parent and an educator in the Toronto District School Board.

Bill 13 is a good start for legislation to address safe schools and issues of bullying around three primary groups: LGBTQ students, the disabled and those of different races or ethnicities. However, it falls short on several accounts. It is time-bound and reacts to several situations instead of being framed to be timeless in nature. Bill 14 does a much better job at this. Bill 13 addresses bullying specifically around LGBTQ lifestyles, the disabled and race. This is a great step; however, according to a 2006 census on bullying in the TDSB for sevens and eights, 38% of students were bullied for body image, 17% for grades and marks, 11% for race, 7% for language, 6% for gender, 5% for religion and 5% for income. Leaving body image, grades, language, religions and income groupings out of the legislation is obviously a mistake if the intent is to reduce and prevent bullying in schools. The unmentioned groups represent tens, if not hundreds of thousands of students in Ontario. Good legislation should have values and measures that are timeless in nature. Bill 14 does not specifically address certain groups; therefore, it creates principles and values that can be implemented for generations to come. It speaks to every situation and not just some situations. It speaks to every group, not just some groups. I would ask you to remove reference to specific groups in the bullying legislation in order to make it a timeless piece of legislation that can be applied equitably and justly in all times and places in Ontario, which I believe Bill 14 does very well.

Bill 13's definition of bullying is ambiguous and open to wide interpretation. Principals who must administrate this will probably not use it because of its ambiguity. Judgments are not made based upon actions and words; rather on perceptions, knowledge, lack of knowledge and the likelihood of something happening. That's veritable speculation. It judges motives, intentions and what is supposed to be known. Could we ask teachers and principals to judge the motives of the heart? This is clearly subjective and could continue nearly any type of bullying behaviour.

I will now read the definition of bullying to you from both bills. Bill 13 states that "Bullying" means repeated and aggressive behaviour by a pupil where,

"(a) the behaviour is intended by the pupil to cause, or the pupil ought to know that the behaviour would be likely to cause, harm, fear or distress to another individual, including psychological harm or harm to the individual's reputation; and

"(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social

status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education."

Using the language "ought to know ... would be likely to cause, harm, fear or distress to another individual, including psychological harm or harm to the individual's reputation" and the words "perceived power imbalance" leaves the definition of bullying wide open to interpretation. In this case, the principal has to read the mind of the student, look into their heart to render a verdict which would mean suspension. The definition is so ambiguous that it will create a quagmire for principals to implement and, therefore, probably won't be used at all. If it's not clear, it's not used. Good legislation, laws, policies and procedures are clear. Bill 13 is not clear.

In Bill 14, however, "Bullying" means the severe or repeated use by one or more pupils of a written, verbal, electronic or other form of expression, a physical act or gesture or any combination of them if it is directed at another pupil and if it has the effect of or is reasonably intended to have the effect of,

"(a) causing physical or emotional harm to the other pupil or damage to the other pupil's property,

"(b) placing the other pupil in reasonable fear of harm to himself or herself or damage to his or her property,

"(c) creating a hostile environment at school for the other pupil,

"(d) infringing on the legal rights of the other pupil at school, or

"(e) materially and substantially disrupting the education process or the orderly operation of a school."

Using the words "has the effect" and "reasonably intended" limits the judgment to real, observed words and actions in order to make a judgment upon whether or not a student needs to be suspended or disciplined in another manner. Furthermore, Bill 14 does an excellent job in explicitly defining cyberbullying and the parameters for principals and superintendents to know whether or not a case of bullying has happened in their jurisdiction. With the subsection "Bullying in schools," principals are not left wondering how far their authority goes in dealing with issues of bullying.

Bill 13's definition of bullying is ambiguous and open to interpretation and will probably not be implemented by principals for the most part because of these factors. Bill 14 is specific in its definition but broad in its application to the public school system. I would ask you to use the specific, detailed and easier-to-implement definition of bullying found in Bill 14 or risk having legislation that most likely will have little effect at the individual school and principal level. In really addressing helping students to care, tolerate and show empathy towards one another, such a broad definition of bullying will most likely not help to reduce bullying at the school level.

1640

Thirdly, switching places: Bill 13 says, "(2) Section 301 of the act is amended by adding the following subsection:

"Agreements with third parties re use of schools

“(3.1) If a board enters into an agreement with another person or entity, other than a board, respecting the use of a school operated by the board, the board shall include in the agreement a requirement that the person or entity follow standards that are consistent with the code of conduct.”

Bill 13 will require that any public group renting space from a school must abide by the equity and inclusive policies mandated by the board and their code of conduct. Currently, this poses no problem, but what if the code of conduct of the school board doesn't allow certain behaviours, teachings or beliefs to be shared? What if the code of conduct of a public group and a school board differ? According to this legislation, there will be little or no room for tolerance, free speech, discussion and freedom. The moral or other judgments of the school board, implemented through the code of conduct, will silence other views. This is always a dangerous proposition.

Good legislation looks at what would happen if the tables were turned and the places were switched. The freedom of speech, conscience, religion and association are hallmarks of this province. We can't afford to become intolerant of the variety of public voices that make this province rich. In a public place, people need the freedom to make choices for themselves.

In Ontario, if an organization is able to freely exist and speak in a public forum, it should be able to freely exist and speak in a public school. The local school board should not have to be policing public organizations with its code of conduct. Criminal laws are already in place to do so. We do not need a parallel justice system.

I'm asking you to allow all public groups and individuals to rent publicly funded schools and buildings without having to abide by the local board of education's code of conduct or moral views of righteousness. The current laws of the land allow groups to meet publicly with a variety of beliefs and values. The current civil laws and justice system are sufficient to ensure safety for the public. Any group that currently meets in public or has a public building should be able to freely meet and abide by their own code of conduct in a publicly funded building.

Promoting and legitimizing sex and gender orientation while removing parental rights: my fourth section. You may ask, “Where in Bill 13 does it talk about teaching explicit gender/sex issues?” It's a good question, one that I couldn't answer until last fall, when the TDSB released its *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*. The guide specifically references the equity and inclusive education strategy in Ontario schools, 2009, from the province of Ontario as one of the main sources giving legitimacy for its need. Paragraph 29.1 of the Education Act, as Bill 13 currently states, will now include the words “equity and inclusive education.” Therefore, Bill 13 will now directly endorse and legitimize the TDSB's new sex and gender curriculum resource guide.

In the Angus Reid poll for November 2011, it found that 69% of Canadians think that parents or guardians

should be primarily responsible for teaching sex education to children and teens; 80% of Canadians polled think the ideal age to start sexual education is between eight to 13.

Let me quote from *Challenging Homophobia and Heterosexism: A K-12 Curriculum Resource Guide*, 2011. It calls for the following explicit teaching and activities for children in kindergarten to grade 3. Think for a moment of a child you know who is three, four or five years old. This is what the Toronto District School Board, using the province's equity and inclusive education policy, has asked teachers to teach. Firstly, ask students: “What kinds of name-calling do you hear when girls and boys don't follow gender rules? (e.g. sissy, fag, gaylord, batty man, poofta, tomboy, lezzy, lezbo, dyke, homo, queer, etc.)”—page 43.

“Search images of Pride Week and the Pride Parade on the Web, especially from the Pride Toronto website ... and print out for the class or project on a smart board or screen”—page 54.

“Explain to the students that Pride Week is a week when same-sex families celebrate their community. (This term and other related words such as gay, lesbian, and bisexual should have been introduced and discussed in the previous activity.)”

This is for students as young as three.

The TDSB document also states that parents cannot withdraw their child from this instruction for any reason and that they will not be notified when this instruction takes place. This is an erosion of freedom, one that Pierre Trudeau would probably be ashamed to see.

In 1967, Pierre Trudeau, the justice minister, introduced his controversial omnibus bill in the House of Commons. In it, he made the appeal for the decriminalization of homosexual acts performed in private, telling reporters, “There is no place for the state in the bedrooms of the nation.” He went on to say what's done in private between adults doesn't concern the Criminal Code.

Today, this TDSB gender and sex curriculum ensures there is a place for the state in the children's bedrooms of the nation; furthermore, what's done in private between adults is the concern of the Education Act and should be taught explicitly to children. I appeal to you: Should this be?

Why are Mr. Trudeau's values passé now? If the state needs to stay out of the bedrooms of the adults, how much more should it stay out of the bedrooms of our children?

Let parents decide how they want to parent. Currently, sex and gender classes are explicitly taught at grades 5 and 6. This needs to continue, absolutely. Mr. Trudeau said, “There is no place for the state in the bedrooms of the nation,” and I'd add especially those of our children, especially aged three to 10.

I would ask you to let parents parent their children in the areas of sexuality and gender. The state does not need to impose its moral views of righteousness in the bed-

rooms of the nation, especially of those who are in kindergarten and primary schools.

Bill 13 is clearly linked to the current TDSB gender and sex curriculum. The lines of association have already been drawn. That's where the problem starts. In Toronto, I already know of parents being upset by lessons from this guide or similar programs being taught to children. Teachers and principals are being addressed. Parents are unhappy. If this continues, the link between these programs and curriculum delivery will be to Bill 13 and the Liberal Party and the NDP that supported this bill. The public will be able to see that and vote with it in mind.

Bill 13 addresses bullying, but also may have far-reaching effects that alienate and cause conflict among a large amount of the electorate. To reach a majority, a party does not need to alienate a majority. In fact, the one thing that people in Ontario don't want their government to do is social engineer. Health care, education and business are important. That's the priority of Ontario voters. I would ask you to create legislation that unites Ontarians, not divides them along the lines of different groups.

Finally, you may ask: Gay suicides show that bullying of LGBTQ students needs to be dealt with; how will they be protected? An excellent question.

According to the Canadian Mental Health Association, it is a myth that young people rarely think about suicide. The reality is, teens and suicide are more closely linked than adults might expect. In a survey of 15,000 grade 7 to 12 students in BC, 34% of them knew of someone who had attempted or died by suicide; 16% had seriously considered suicide—

The Chair (Mr. Ernie Hardeman): You have one minute to wrap up.

Ms. Gillian Lea: —14% have made a suicide plan; 7% had the attempt; and 2% had required medical attention. Furthermore, in Canada, suicide accounts for 24% of all deaths among 15- to 24-year-olds.

There was a recent case, a very public case, in Ottawa of Jamie Hubley, who committed suicide because he couldn't take being the only openly gay student in the high school. This is tragic. It is terrible that this happened. Something needs to change. Legislation needs to be created to help the Jamie Hubleys of this world, but do we know the name Caylen Millben? He was 17 and he committed suicide in Brampton about two months ago. He was the third teenager in the school to take his life since November. Do we even know the names of the other two students?

We need legislation for Jamie, Caylen and for every student who, for some reason or another, commits suicide. We need timeless legislation that addresses bullying, where there is equity and inclusion for everyone. We need legislation to protect LGBTQ students. We also need legislation to protect students with physical disabilities, psychological needs and ethnic, religious and socio-economic needs.

Bullying is wrong, no matter what the reason. Let's have legislation that reflects that reality.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That's what we call using up the 15 minutes to its full extent. Thank you very much.

Ms. Gillian Lea: Thank you.

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

The Chair (Mr. Ernie Hardeman): Our next delegation is the Ontario Catholic School Trustees' Association. Welcome to the committee meeting this afternoon. We thank you very much for coming out. As with other delegations, you will have 15 minutes to make your presentation. You can use any or all of the 15 minutes for your presentation. If there's any time left at the end for questions, we will start the questions with the third party. With that, as you start to speak, if you would introduce yourself on the microphone for our Hansard. Thank you very much.

1650

Ms. Nancy Kirby: Thank you very much, Mr. Chair, ladies and gentlemen. My name is Nancy Kirby. I am the past president of the Ontario Catholic School Trustees' Association.

I would like to begin by thanking the members of the social policy committee for allowing us to be present here today for what is an essential discussion on a matter of urgency in society as a whole, but seems to be especially prevalent in our education system.

As a representative of Ontario's 29 English Catholic boards, OCSTA has been heavily involved in working with all parties and other education stakeholders to promote equal, inclusive and safe schools for our students. Our mission includes providing leadership, service and a provincial voice for Catholic education, and ensuring the safety and well-being of our students.

The issue of bullying is by no means new, nor is it isolated to the school environment in Ontario. Rather, it is a problem that permeates our society and affects many people at some point in their lives regardless of age, gender, faith, creed, ethnicity, race or sexual orientation.

As school board trustees, we firmly oppose all instances of bullying in our schools and view these acts as threats to the safe and positive educational environment we seek to provide. As Catholic representatives, we see bullying as inherently contradictory to our values and faith, as the primary message of the Catholic church is universal concern and care for one another. That care is to be expressed in both word and deed and that understanding is at the core of what we teach in Catholic schools.

For the better part of a year now, we have been working with the ministry and other stakeholders on how to improve our effectiveness at promoting equity and inclusion in our schools. An essential component of this work has been to equip our administrators, teachers, support staff and students with the tools necessary to create universally supportive atmospheres in each and every Catholic school. A fundamental aspect of Catholic educa-

tion is respect for the dignity and uniqueness of every human being.

Examples of anti-bullying initiatives are quite prevalent in our Catholic schools. For instance, Imagine A School Without Bullying is a collaborative undertaking between the Region of Waterloo Public Health unit, the Waterloo Catholic District School Board and the Waterloo Region District School Board. The program was instituted in 2003 to assist all schools within Waterloo region to develop and put into action a plan to create positive school climates to reduce bullying.

The Niagara Catholic District School Board was one of the first boards in the province to implement a bullying prevention policy, which has been in place since 2003. And two of its schools have recently been awarded the Premier's award for safe schools.

My own board, the Catholic District School Board of Eastern Ontario, has based its various anti-bullying initiatives on the philosophy of restorative justice, most recently evidenced by our participation in the WITS program. Through this initiative, children are encouraged to walk away, ignore, to talk it out and/or to seek help if they are being bullied or harmed. WITS will be extended and offered in all elementary schools next year.

The Toronto Catholic District School Board has been instrumental in raising awareness about bullying and educating the public about prevention strategies, seen most notably on their bullying awareness and prevention website.

Lastly, the Kenora Catholic district school board has spearheaded various anti-bullying initiatives, like its EPIC, or Every Person is Cool, flash mob; its STOP, or Strong Together, One is Power, student group; and its Awesome program, where students are recognized for their kindness and contributions for peaceful schools. Across the province, Catholic schools are at the forefront of making schools safer and raising awareness of anti-bullying measures.

Equity and inclusion debates have been high on Catholic board agendas for quite some time, but this has been especially true for the last year. Discussions about these measures culminated in the writing and presentations of Bills 13 and 14. I stood with the Minister of Education when Bill 13 was first read. We have strongly supported Bill 14 since its initial presentation. We continue to stand behind all measures designed to protect our students and strengthen the loving environments in our schools.

I would like to spend a moment to discuss specific elements of Bill 13 that we stand behind and also to mention some areas that we hope the committee will contemplate as your work moves forward.

One of the most important contributions of Bill 13 is the clarity in defining bullying. We feel that the definition included in the bill strongly reinforces the requirements outlined in policy memorandum 144 and will help policy-makers and educators better comprehend the wide array of variables included in bullying behaviour.

Catholic schools strongly support student-led initiatives, particularly in the areas of social justice. By empowering our students to form their own clubs, we believe this will be an important step in changing the culture surrounding bullying. The creation of a Bullying Awareness and Prevention Week is, as we see it, a strong addition to the legislation's efforts to educate Ontarians and eliminate instances of bullying.

While we are positive about the anti-bullying initiatives being proposed, our member boards have also expressed concern about aspects of the bill which I think are important to consider or reconsider before the bill receives royal assent. With the comprehensive and ambitious efforts at addressing bullying made throughout Bill 13, it is clear that new financial and administrative guidelines will be placed on our boards. While we are supportive of measures like student surveys to obtain students' feedback about our efforts at reducing instances of bullying, we are hopeful that the ministry might indicate who will be responsible for organizing and funding such initiatives. Further, the increased levels of responsibility at both the staff and supervisory officer levels would also deserve ministry attention in its determination of financial support to boards in the future.

Further, we are in favour of involving students in virtually every step of this process, as they are at the heart of why these anti-bullying measures are so important, but we also emphasize the need for clear and specific guidelines when legislating the use of surveys in schools. Presently, there is some confusion regarding the age at which students are to take surveys, the content of the surveys and their respect for Catholic values that we hope might be explained before implementing any such measures.

While OCSTA's approach to addressing bullying is a universal approach, welcoming and protecting all students, there are aspects of the bill where a qualification on the use of the term "student" might be helpful. In its current form, no reference is made as to whether the bill allows students at all grade levels to form clubs or groups, or whether such options would apply to secondary students only. Given the sensitive and mature nature of student-led conversations about identity, we encourage the ministry to limit such possibilities for students to the secondary level, where there is a greater chance for privacy and sensitivity to be respected.

1700

Lastly, there is a concern that Bill 13 largely emphasizes the impact of bullying on one specific group. It is our belief that all forms of bullying pose a danger to our students, and as such, we advocate approaching the issue universally, as is consistent with the Catholic teachings of love and acceptance. This attention culminates with section 303.1, in which the specific suggestion of GSA language is included, while no other group experiencing bullying is presented with a suggested name or classification.

The government has raised awareness around the issue, and that is outstanding. Now leave it to students

and boards to determine the names of support groups to serve their unique communities around the province. It is our belief that no such suggested names be included in legislation so as to allow students at the individual school level, in conjunction with existing administrative procedures and with respect for denominational rights, to name clubs as they wish.

In shifting for a moment to Bill 14, we are in full favour of the universal and holistic approach taken by this legislation. It is obvious that Bill 14 is well researched and is reflective of existing education policies and procedures. Of particular importance in Bill 14 is the inclusion of and emphasis on the role of cyberbullying. In an age where our students use technology constantly, the sometimes negative uses of these tools must be included in any contemporary debate about bullying.

We would also like to support the sections of Bill 14 that seek to strengthen the reporting procedures in the school system. In order to bring about the cultural change necessary to tackle bullying in our schools, a clear and defined process which our staff and administration can use is a vital tool.

A chief component of Bill 14 is its efforts to prevent bullying behaviour from happening at all, which is a necessary part of any anti-bullying initiatives.

One area of ambiguity related to these preventive measures is the unclear funding structure. It must be made readily clear whether it will be the government or school boards themselves that will be left with the financial responsibilities in implementing these endeavours. It is our belief that only the highest standard of prevention strategy be used if our students are to be protected, and a clear and fair funding structure must be provided if we are to achieve these standards.

According to the provisions of anti-bullying policy that would be mandated under Bill 14, a periodic review of the bullying prevention strategy would be a requirement for school boards. With the ever-evolving nature of bullying tactics and the technological impacts outlined in Bill 14, we urge a more specific time frame for such policy reviews to guarantee that boards are as vigilant as possible in protecting students.

We know the work of this committee is difficult, and the passion and emotion caused by this legislation pose particular challenges to finding a singular legislative solution. Even so, we are confident that this can be done in a way that protects all students through a universal approach that emphasizes the uniqueness and dignity of all people.

As we enter the final phases of Bills 13 and 14, we are pleased to have been granted the opportunity to discuss this important legislation with you today and to have hopefully illuminated some areas for further consideration by the committee. We urge all political parties and stakeholders to work together and not lose sight of the ultimate goal for which we all strive, and that is to provide safe and nurturing environments for our students to learn and grow.

I thank you for your time, and I'm happy to answer any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. You couldn't have hit the 15-minute mark any closer. Thank you very much for your—

Ms. Lisa MacLeod: I saw some hand gestures.

The Chair (Mr. Ernie Hardeman): I'm sure your presentation will be of great assistance to the committee as they deliberate further on dealing with the two bills. Thanks very much for the presentation.

Ms. Nancy Kirby: Thank you very much, Mr. Chair.

ONTARIO HUMAN RIGHTS COMMISSION

The Chair (Mr. Ernie Hardeman): The next delegation is the Ontario Human Rights Commission: Commissioner Barbara Hall. Thank you very much for being here this afternoon to help us with the hearings on these two pieces of legislation. As with the previous delegation, we'll have 15 minutes for your presentation. You can use any or all of that for your presentation. If there's time left at the end of the presentation, we will have questions. I believe we're going to be starting with the third party. As the last two have not left any time, we keep going back to the third party.

We thank you very much for being here. The floor is yours. If you would, again, for the record, state your name when you start your presentation for Hansard.

Ms. Barbara Hall: Yes, thank you very much for this opportunity. My name is Barbara Hall, and I'm the chief commissioner of the Ontario Human Rights Commission. I'm pleased today to be accompanied by Jeff Poirier and Jacquelin Pegg, two staff from the commission who have been very involved with this issue.

I'm very pleased to be here today, Mr. Chair, on behalf of the commission to indicate our general support for this proposed legislation. Let there be no doubt: Bullying is a critical human rights issue.

Ontario's Human Rights Code is, in a sense, Ontario's highest law. All schools—including public, Catholic and private—have a legal duty to provide students with an educational environment free from harassment and other forms of discrimination because of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, marital status, family status, disability and sex, including gender identity.

Bullying is a form of harassment within the meaning of the code. Courts and tribunals have recognized that lesbian, gay, bisexual, transgender, transsexual, two-spirited, intersex, queer and questioning youth are especially vulnerable to discrimination, harassment, violence and suicide.

Human rights laws require that all schools and boards take steps to prevent homophobic and other types of bullying and harassment, respond to incidents and provide support to students experiencing bullying. Failing to do this effectively may result in the school, the board and

even staff being held liable. The proposed legislation will help everyone meet these legal obligations.

The preambles of the bills name the problem, a first key step to systemic change. Recognizing the serious physical, mental and social impacts of bullying is important. So is naming groups that are targeted and marginalized by bullying.

The proposed definitions of bullying are generally consistent with the definition of harassment in the code—though keep in mind that under human rights law, intent is not a necessary factor. Whether or not a person intended to harass or bully, the focus is on the individual and social impact. If a situation doesn't meet the definition of bullying, the behaviour may still amount to harassment, and the rights and obligations of the code would apply. Also, harassment and bullying not only happens between two individuals; it may be perpetrated by and against groups as well.

1710

Human rights law expects organizations to take both proactive and reactive measures to prevent and address bullying. The proposed legislation would do both. Individual employees, volunteers and others can be held liable under human rights law and should report harassment, including bullying. Schools and boards also have a legal responsibility to respond and deal with harassment, including incidents of bullying that may occur outside of school premises during school-related activities such as field trips and other extracurricular, sporting or social activities.

Requiring schools to support student-led gay-straight alliances and other equity clubs is one very good prevention strategy. We also welcome other proposed measures to prevent bullying, including requirements for provincial, board and school-level anti-bullying policies and plans.

Bill 13 in particular incorporates many of the progressive policy changes put in place by the Ministry of Education around safe schools, school discipline and inclusive education. The requirement for school board policies on equity and inclusive education is especially important and would bring the code's prohibited grounds of discrimination within the terms of these provisions.

The provisions for supports to students targeted by bullying and those who engage in bullying are in keeping with the settlements the OHRC reached in 2005 in complaints we initiated against the Ministry of Education and the Toronto District School Board. This led to legislative and policy change recognizing the adverse effect that safe school policies can have on racialized students and students with disabilities. Changes included requiring mitigating factors relating to code grounds be taken into account when determining suspensions and expulsions.

We support provisions for educating all students, teachers, administrators and the public about human rights and obligations, how to get help, and what the consequences are for those who bully and for those who fail to react.

Finally, we support provisions that require data collection and reporting on incidents by code ground as well as people's views and experiences.

All too often, bullying is rooted in stereotyping and social prejudice. It's an affront to human dignity and a violation of the Human Rights Code when it takes place in our schools and targets people because of their sexual orientation, gender identity, race, disability and other protected grounds. That's why we welcome this legislation and your efforts to create safe and inclusive schools. Unanimous approval of the ultimate bill would send a strong message to the people of Ontario about how important bullying prevention is.

Thank you for the opportunity to speak today, and I welcome your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about five minutes. Ms. DiNovo?

Ms. Cheri DiNovo: Thank you, Barbara, for your presentation, and also thank you for your support for "gender identity" and "gender expression" as explicit words in the Ontario Human Rights Code and your letter to that effect. As you know, Toby's Act passed second reading. We're hoping to get it in place by Pride.

My question really hinges on that. There's not really explicit language in this bill around trans folk generally, gender identity or transphobia, that kind of language, and we've heard that we need to strengthen that. Would you see that as something that would be a positive step here?

Ms. Barbara Hall: I think explicit language in naming is very important. We know under the code, for example, that gender protection is there because we've read it into sex, but to have it explicit clearly sends the clearest message.

Ms. Cheri DiNovo: Thank you. The other question: We've heard from a number of folk testifying here that they're concerned that the establishment of gay-straight alliances will override religious rights in schools. I was wondering if you could address that.

Ms. Barbara Hall: Well, we see that as an issue of competing rights, and it may be that ultimately the courts will decide that one.

We believe that there is an obligation to protect all children, and part of protecting them is giving them a sense that there are organizations or bodies in which they are welcome and feel safe. We have taken the position that a particular name is not necessarily the issue, and we've seen young people, for example, suggest other names that send a good message to them, whether they're young people who are gay and straight and most concerned about that issue.

When we look at competing rights, we know there's no hierarchy of rights. No rights are absolute; every right is inherently limited by the rights of others. Minor or trivial interference with the right is not necessarily likely to receive protection. I think we've seen in cases like Marc Hall and the Durham Catholic District School Board that courts have looked at core rights versus periphery rights where legal principles apply.

We would think that whatever name is used for the protection of young people, it needs to be a name that sends a strong, explicit message to them. "Gay-straight alliance" seems like a good name to do that, but there may be other names that would be equally effective.

Ms. Cheri DiNovo: Thank you. What you've just said really bolsters it. Canadian Civil Liberties also came here to testify, and they said much the same, but ultimately that the decision to name the organization rests with the child or young person in terms of freedom of expression and assembly. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much. That concludes all the time. We thank you very much for your presentation.

Ms. Barbara Hall: Thank you. We did bring copies. A small tree went down, but—

The Chair (Mr. Ernie Hardeman): Okay. Mr. Clerk, could you take the copies there? Then we can get them to the committee.

Ms. Barbara Hall: Thank you, Mr. Chairman.

The Chair (Mr. Ernie Hardeman): Thank you very much for coming in and sharing your presentation with us.

MR. DAVID BLAIR

The Chair (Mr. Ernie Hardeman): Our next delegation is David Blair. Thank you very much, Mr. Blair, for your presence. As with the previous delegation, you will have 15 minutes to make your presentation. You can use as much or as little of that time as you wish. At the end of it, if there is time left over, we will have questions.

Mr. David Blair: I heard you.

The Chair (Mr. Ernie Hardeman): Okay. If we get to the questions, they will start with the government caucus. Before you start, if you would give us your name in the microphone for Hansard, and with that, we look forward to your presentation.

Mr. David Blair: My name is David Blair. I do not represent an organization per se but probably about 50 families scattered across the province: friends and professional contacts, pastors and different people within that grouping.

1720

I want to thank you for this opportunity to be here today. I would say that I do not support any actions or behaviour that forces people—and I stress the word "force" there—to do things and deny them the right to self-determination, especially when it stomps on established legal rights to accomplish it. People who force their wishes by manipulation of parliamentarians and law do not have a legitimate cause; otherwise, that would not be necessary. If it was a cause of real merit, force would be unnecessary and people would flock to it and support it on their own.

That isn't happening with the people of Ontario and Bill 13. Bill 13 means a lot of established rights and freedoms for parents as well as increased forced subjugation of their children to principles and beliefs that are

definitely not healthy and are contrary to most family beliefs. Although the bill lists several groups it will supposedly protect, those are primarily window-dressing around the main group pushing this bill, and that is those from the gay agenda.

I bear them no malice; I have friends on both sides of the fence. But this is a typical move right across North America and the world. This is not just happening here in Toronto. If we look at the statistics, it shows that the gay community is actually the least victimized of any subgroup of society. Yes, there are some sad incidents that occur from outside perpetrators, just as there are very sad incidents that occur within the general population—nowhere, though, near the extent that we have been led to believe.

The people who are the most violent with gays are themselves. Forensic stats confirm that gays have higher rates of domestic violence by about three times the heterosexual community. There is more brutal crime and murders from gays than from outsiders. Not only are they higher rates; they're also more bizarre and brutal in nature. Domestic violence is really the greatest danger to the whole gay community, and that's unfortunate because no violence is acceptable, regardless to whom it happens or how it happens.

The contention that the gay orientation is healthy is scientifically unsupportable and a purposeful delusion/deception as part of the gay agenda, which is to force children, primarily, and their parents to embrace this toxic delusion. That is more than reprehensible and is a common form of terrorism used worldwide. MPPs mistakenly supporting Bill 13 certainly will not be serving the majority of the population of Ontario.

Will you give me my mouse, please? I'm sorry; I'm having trouble moving through this. I had a printing problem today, which would not co-operate at all. All right; we'll have a smoother go here.

We are being forced and bullied to accept bad legislation to appease one special group of people who make up only 3% of the population. At the same time, we are very willing to ignore, to violate, to offend and injure the other 97% of the population. This, I cannot support in any way, shape or form. I must say that I am in total agreement with Mr. Banerjee of the Hindi community, who presented a few days ago, when he expressed that his community feared there would be increased animosity and hatred in the general public for gays if this legislation is forced upon the public. That is a natural response to force. It violates rights and endangers people. I suppose that same response may spill over to politicians too for the people who don't want this bill to happen, if it should happen. Hopefully, we all avoid violence.

History clearly indicates that whenever anyone forces anything upon others, it doesn't take too long before they refuse to comply. They will, as is happening in Middle East countries right now, move into a rebellious form of response to force. We have enough problems without seeding rebellion into our educational system. I would

ask you to carefully consider not supporting Bill 13 for that reason and others.

People are probably going to ask me questions about the two bills. Let me just answer them in this manner. I read both bills about six weeks ago—in fact, I wasn't even brought into this foray till about eight weeks ago—and I started doing research. I did notice that some of the conditions in Bill 13 almost require children and their parents—when you're defining instances of what is bullying and what is not bullying, you expect them to be able to discern the outcome of what happens in that relationship.

There are many professional psychologists who could not determine the outcome of what would happen should somebody say something. Think of your spouse. How many times have you thought you said something nice and not gotten an appropriate reaction?

We're asking people to be a bit too clinical when they don't have the skills. There are such things as accidents, and we need to give what is called "some margin for accidents." Not everybody is as knowledgeable as the wording of this bill would like to have them be, particularly young people. They don't have the experience of life, they don't have the experience of teaching, and that's why they get into trouble.

I'm really concerned when I see that teachers are supposed to do all this work because I want to know when they get to spend the time to prepare for this and when they get to spend the time to deliver it. I was a teacher for 24 years and my days were jam-packed; I did extra things. But how in the world are we going to maintain our level of education and still train teachers to work in these programs and deliver the kinds of messages that you want? If a teacher has tutored a child and the child messes up, are you going to come back and throw that teacher into court? I hope not.

Anyhow, once I'd read all the information that I chose to read, I found that Bill 14—there's so much of it out there—Bill 14 is a far superior bill. It's a one-issue bill. If you're addressing bullying, that's the bill. The other has a divided option, and since I know a bit more history of the development and impact of the gay community across North America in the last 25 years, I would say Bill 13 is a Trojan horse. It offers to look at bullying, but at the same time, it puts the gay community in a position where there can be damage done. I'll not belabour that any further.

One of the concerns of people I have talked to is that there will be—as the program for sexual orientation, whatever that portion is—a planned program of recruitment and initiation. What that means is gays coming alongside non-gays and encouraging them to try the gay lifestyle or the behaviour of the gay lifestyle, and sometimes, if they cannot control their impulse control, even going to the point of initiating a person against their will. This has happened across North America. It's not a common thing, but it does happen.

1730

What does initiation mean? It means that somebody—well, let me go back to a Republican congressman in 1980 who was viciously outed as being a married gay. Naturally, he lost his career, he lost his family and he lost everything he had worked for. When he told his story, he talked about the fact that at five years of age he had been raped by a 12-year-old boy. Another parallel case indicated a 19-year-old boy who had raped a 10-year-old boy and initiated him into the homosexual behaviour, if not totally into homosexuality.

Separation from the children and parents, as mentioned, is a serious problem. In one place, the bill talks about being all-inclusive, and yet in another place it talks about separating the children from the parents and not allowing the parents to have influence. I don't know how you can do both.

Children, especially in the primary grades—and I teach kindergarten, and when those kids come in in the morning, they're gung-ho. They're wired for anything that's going on. They have cherub faces, they're eager to please, and they stand there like sponges waiting to take in whatever the authority figure has to say. I'm really, really concerned about their ability to process and handle sexual orientation material. In fact, I would say that would be impossible.

As I have lived in the United States for five years, I also know what's been going on there too, and it's not uncommon. In one case, an eight-year-old boy came home, totally traumatized, shaking and crying, and the mother could not console this child. Why? Because he had sat through what has been in the press here in Canada, a lesson on condoms and the use of condoms, and the concept that was presented to him where he was supposed to use them or have them used upon him totally terrified him. That happens.

Gay victimization claims and calls for protection—and they've really proven to be bogus in the standings. Hunter Madsen—

The Chair (Mr. Ernie Hardeman): One minute left.

Mr. David Blair: One minute? All right. I'll leave that point, because the others are more important.

If you are going to do a program, the American college of pediatrics suggests that it not be done in school. We have people who, when driving, lose points. They go to school; they don't go to the Ministry of Transport and have a full program on them. We need to have something like a small—like a pregnancy centre in the town that I am nearby. It's in a mall within walking distance of the high school. Why punish those who haven't bullied? Don't run the whole herd through the lice machine, but those who offend should be withdrawn and put through a program off-campus.

One thing that you need to include too is the ex-gay information. I see no information that that community has ever been contacted or used. They have valuable input and would be more likely to come alongside people who are questioning their identity and give them a positive response because there's a way out.

The Chair (Mr. Ernie Hardeman): Thank you very much. That does conclude your presentation. We thank you very much for the presentation.

CATCH THE FIRE—AIRPORT CAMPUS

The Chair (Mr. Ernie Hardeman): Our next delegation is Catch the Fire—Airport campus. I'll give Mr. Blair just a moment to leave the microphone, then we'll turn it over to the next delegation.

Thank you very much for being here. As with the previous delegations, you have 15 minutes to make your presentation. You can use any or all of that time. If there is time left at the end of your presentation, we will have questions. We will start with the government side for questions if that opportunity arises. Before you start your presentation, we'd appreciate if you would give your name so the Hansard will record that. With that, the floor is yours for the next 15 minutes.

Mr. John Bootsma: Thank you, Mr. Chairman. My name is John Bootsma. This is my daughter Aquila. She's one of six children that I have. I also have a grandson. So I come to you not only as a representative of a church in the city—Catch the Fire has probably over 1,000 people represented at the Airport campus, which is my campus; but over the city, probably over 2,000. I feel like I represent them as well as my six children. This is my third child, Aquila.

Ms. Aquila Bootsma: I feel like I would represent high school students, as I'm 16 myself and currently in high school. I'm being home-schooled right now, but I have been through the system.

Mr. John Bootsma: First of all, I want to acknowledge the fact that, like myself, you represent a large number of people, except you represent way more than I do, so your role is very, very important. You have a lot of accountability to those people, and I want to honour you and respect you for that and thank you for your time in this.

When I was made aware of the situation between Bill 13, Bill 14, everything pertaining to the acts, I was quite alarmed as I began to recognize some of the potential ramifications of it. It's my intention to try to address that today, largely with an indication that my support really very highly stands behind Bill 14. There are numerous reasons behind that, and I want to address some of the concerns.

In light of studies that have been completed and records taken in previous years, one would expect that bullying has risen to disproportionate measures. I agree wholeheartedly that bullying is something that needs to end. I've been a victim of it. I've seen it happen on numerous occasions. My daughter has been one who has been a victim of it, in part. It needs to be addressed. But I also want to recognize that it appears that when you look at the stats, it actually has slightly gone down in the last five to seven years, which means that the efforts that have been taken have actually been very, very fruitful, and that's excellent news.

Recently, in a National Post article of March 15, 2012, stating that Ontario Catholic schools are divided, it says that the number one cause of bullying, according to the Toronto District School Board report of 2006, is physical appearance: wearing glasses, weight, freckles etc., 27% to 38%; the second was marks or grades, 12% to 17%; approximately 11% for race; fourth was language, 7%; and thereafter was gender, religion, income, whatnot, which was less.

When I begin to look at Bill 13, I recognize that a major emphasis in this bill seems to be that which pertains to the gay community.

I want to make it clear that, yes, I am a follower of Christ, I am a Christian—I am unashamed of that stance—but I am not a hater of gay people. It seems like we've taken on that label, and I can understand, in part, why perhaps that has been done, because I think we've probably misrepresented our very guidelines. As a Christian, it means we're a follower of Christ. You look back at Christ 2,000 years ago, and I recognize that he was actually known as one who would hang out with the outcasts of society. Back then, they called it hanging out with the prostitutes, the "sinners." So when you look at outcasts of society in today's modern culture, I think the church has very much been labelled as being haters of these people, which I feel is very unfortunate. I come in one sense to apologize for that, because I know from my stance, I would like to say that regardless of where you're from—the only reason that I become a follower of Christ is not because of what I have, but because I'm aware of my need.

I think that what would be really helpful is to dialogue over a lot of these issues, which I would see this in part as being, and I am a voice that is representing this—at least, I represent Catch the Fire. I think a majority of people who would declare that they follow Christ—our heart is not to hate any sector or position of society. We really want to come alongside and try to make society and culture the best that it possibly can be in a conjunctive way, that we work together on these things.

I want to recognize what the stats say. Bill 13 seems to give indication that sexual orientation is the major issue, where Bill 14 is much more exclusive in the sense that it is very wide and painted with a broad paintbrush in that regard, which is why it is a superior paintbrush. These stats, by the way, that I mention are very much confirmed by similar numbers in the United States. So as you begin to inspect Bill 13, it does not protect the children most bullied in schools for their body image or physical appearance.

1740

I'd like to make a note that there's a lot of anti-bullying legislation that has come into practice in years past—for example, even back to 1993, policy program memorandum 119, and it was updated in 2009, dealing in 1993 with racism, but also more with an equity and inclusiveness strategy in 2009; Bill 212 in respect of behaviour, discipline and safety—students can be suspended for bullying—in 2007; Bill 157, the Keeping Our

Kids Safe at School Act, February 2009-10. Bill 14, which is also in committee, is an excellent bill, very well-worded, and deals with protecting all students from bullying, not just specific groups like Bill 13 lays out. So it seems to me as though there comes across this emphasis or this sense that sexual orientation is “the” major area of bullying, which, when you look at the stats, just absolutely is not so.

I will stand to say that if people were to bully somebody else for sexual orientation, it’s wrong and it needs to be addressed, it needs to be dealt with and it needs to be stopped. But at what cost? Not at the cost of eliminating religious freedoms and parental rights, which is actually written between the lines in Bill 13. That’s really why I’m coming forward to be a voice at this particular time. I feel like the media is doing us an injustice in bringing this forward the way it does.

I also feel that laws, I think, really are only effective to a certain degree because—it’s good to put the laws forward so that there’s a sense of principles and values that we want to see released, but do they really work to change the attitudes and to promote goodwill? I feel we have to reach the heart, and that’s where dialogue will make a difference.

I would like to promote a culture of honour. We’ve had a large movement towards tolerance; we want to tolerate different differences. I want to honour people with different differences. I really appreciate people who are different than me because then I can learn from them and I can be able to have that communication. I may not agree with them; they may not agree with me—and they probably won’t on certain things—but I can still like them and enjoy their company in the midst of it. But we cannot bring forth honour, respect and appreciating each other’s differences through laws. I feel like Bill 13, even though there’s goodwill in trying to present it, has the ability to and probably will bring great cost to society and to our culture. It will start here in Toronto; the whole intention is that it will spread across Canada. It will affect the private school system, Christian schools, different faith schools, wherever you are where that takes place. Possibly, it will affect the home school system. I’m very, very alarmed at the potential of what that can state.

As an example—and I’m not a Catholic. I love the Catholics; I appreciate who they are; but I am not a Catholic. They came up on January 25, 2012, with a Respecting Difference document that was subtitled A Resource for Catholic Schools in the Province of Ontario: Regarding the Establishment and Running of Activities or Organizations Promoting Equity and Respect for All Students. Why is the government ignoring the fact that the Catholic system actually works to reduce bullying? They are going at it from a heart perspective, not a legal perspective, to hit it by virtue of the law.

I feel, when you really take a look between the lines, that the intent of Bill 13 is actually not primarily to stop bullying; I feel like there’s actually a hidden agenda to remove some parental rights and religious freedoms that is not present in Bill 14 and is not present in some of the

previous bills that were listed, such as Bill 157. We are doing a good job. I feel like it is politically correct and the media is jumping on the bullying bandwagon—and I agree; don’t hear me wrong. Bullying needs to end. But we need to do it in a way that actually has a long-term perspective and deals with the issues that are truly the issues, that statistics actually will back up.

Statistics do not back up that the LGBTQ, whatever it is—I mean, I’ll be honest: I’m a relatively educated man. I didn’t even know what some of those things were. You’d think that, meeting thousands of people, I would have met people who actually were intersexed and all these various things that you’d have to educate me on, you know what I’m saying? And bless them for where they’re coming from. We all are in this journey of life together. We will go farther together if we can appreciate each other’s differences and have an opportunity to dialogue where they don’t think we hate each other, because that’s not the stance that we take. But I feel like there is an agenda to remove parental rights and religious freedoms.

Bill 13 wants to embed into Ontario’s school curriculum the notion that there are six genders and that a child’s gender may not necessarily be connected to their physical anatomy. I disagree. Mr. McGuinty is poised, I believe, to strip away the rights of parents and to direct the moral and religious education of our children. He’s not a religious specialist, but I think that there’s this tension between the bills—and it is leading in that direction, and that sends alarm bells into my own heart and life, and the society in which I live. I believe it will undermine western society at its core and reduce our population growth. It will bring a lot of confusion. It will take a lot of tax money. It will actually begin to take away the emphasis that we need for the three Rs—reading, writing and arithmetic—and the technology advancements and so many different things that we need to focus on in our education systems. Suddenly, we’re bringing in a curriculum that may have its really good points, but it’s like the good can be the enemy of the best, and we want to see Canada maintained as an exemplary nation that actually releases excellent students who are the best, the top in the world, in this global economy. We have economic needs, and I don’t want to see taxpayers’ money—my money—put towards a curriculum such as this, because I believe it will really do damage in the long run. Bill 14 is superb; Bill 13, major flaws right through the very midst of it.

Parental rights: Why is the plan that parents are not able to be told of this material to be taught? Why can’t parents be told about it? They have the rights in all things, but not this? It’s surreptitious, it’s stealthy, it’s covert, it’s trying to sneak it in. Frankly, I would consider that to be a form of bullying. Bullying is not necessarily just overt by what you do; bullying takes place by what you don’t do.

My daughter, for example, was in a situation in a school system—which is perhaps one of the reasons why we pulled her out of school. She has a very good friend; they pulled her out of school because of the type of

bullying that was actually underhanded. It was ostracization. It was whispering behind her back, making her feel as though she was different, that she really didn't fit, she didn't qualify; a lot of it was actually religious beliefs, in her particular situation. She was wanting to learn academically. I don't know if you want to touch base on that, briefly, or later, if you want, if there's a question, but let me know if you do. But it's situations where we want to see the parental rights—

The Chair (Mr. Ernie Hardeman): One minute left.

Mr. John Bootsma: One minute left. Okay, well, there we go.

We need to think globally. We need to move forward with this.

Let me say this: A 2009 Statistics Canada report on hate crimes—which I would say would be bullying at an extreme—states that 54% of hate crimes among those 12 to 18 years of age were racially motivated, 29% were religiously motivated and 13% were sexual-orientation motivated.

My suggestion, in closing, is, get rid of Bill 13. Sexual orientation—there's so many areas where they begin to talk to. But like the gentleman from the Hindu or Punjabi faith who was here the other day—there are so many groups. You are going to end up ostracizing some of them, and it's going to have the appearance that the McGuinty government is bullying those by virtue of not including them. Bill 14 is fully inclusive of all, by virtue of not mentioning them. It's like saying thank you to a few people and missing some. You can't do it.

Bless the LGBTQ culture. I'm happy to dialogue, but we have got to have something that will actually work, not waste taxpayers' money, and that will be effective for teachers, will be effective for parents, will be effective for students, so that we can continue to graduate the top-notch people across our university and college systems.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Again, you used it right up to the 15 minutes. We have no more time for questions, but we thank you very much for coming in and making the presentation.

Mr. John Bootsma: Thank you.

EGALE CANADA

The Chair (Mr. Ernie Hardeman): Our next presentation is Egale Canada: Helen Kennedy, executive director, and Rev. Brent Hawkes, Metropolitan Community Church of Toronto.

Ms. Helen Kennedy: Hi. I know the drill. My name is—

The Chair (Mr. Ernie Hardeman): Thank you very much. We'll start off by welcoming you to the committee, and to say that, as with the previous ones, you have 15 minutes to make your presentation. You can use any or all of that or any part of it. If there's time left at the end of the presentation, we will start the questioning with the third party.

Interjection.

The Chair (Mr. Ernie Hardeman): Did you already have the last one?

Ms. Cheri DiNovo: Yes, we did, Chair.

The Chair (Mr. Ernie Hardeman): Okay, it will be the government. I thought I had it written here that we hadn't had a question for some time.

Thank you very much for being here. If you could, as you start your presentation, make sure that you give Hansard your name for the record. Thank you very much, and the floor is yours for 15 minutes.

Ms. Helen Kennedy: My name is Helen Kennedy. I'm the executive director of Egale Canada, Canada's LGBT human rights organization. We've been around since 1986. We have a stellar record in front of the courts at the federal level, the Supreme Court, divisional courts and multiple human rights tribunals.

Let me be very frank. Our LGBTQ youth are four times more likely to commit suicide than their straight counterparts. Our LGBTQ youth are nine times more likely to commit suicide when rejected by their families. Our LGBTQ youth are overrepresented as homeless youth on the streets of our city, in Toronto, and beyond. The economic impact of a suicide of any of our youth is huge in terms of the social impact and the economic impact directly. It is billions and billions of dollars.

Egale sees some issues with Bill 13 and its ambiguous language.

Interjection.

The Chair (Mr. Ernie Hardeman): Oh, I hadn't noticed. Thank you very much.

Ms. Helen Kennedy: Do I get to start over?

The Chair (Mr. Ernie Hardeman): We do have to quit. Some of us have a little trouble getting upstairs, and it takes a little time. We can go maybe a few more minutes, but then we need to quit so we have time to get upstairs.

Interjection.

The Chair (Mr. Ernie Hardeman): Yes, I think that might be—

Ms. Helen Kennedy: I can wait till after the vote.

The Chair (Mr. Ernie Hardeman): If we just put everything in abeyance until the vote is complete.

Ms. Helen Kennedy: Okay. I'm going to fly through this.

Interjections.

The Chair (Mr. Ernie Hardeman): Yes, just suspend the meeting until the vote is complete. Sorry for the holdup. You will get your full time when we return.

The committee recessed from 1752 to 1807.

The Chair (Mr. Ernie Hardeman): Thank you very much for your indulgence, but we must do what we must do. As we have started out earlier, we will now start the clock again and let you go on with your presentation.

Ms. Helen Kennedy: We had a little chat while you were away. Now we've switched things up a little bit just to confuse you. So Rev. Hawkes is going to go first.

Rev. Brent Hawkes: Good afternoon. I'm Rev. Dr. Brent Hawkes. I'm the senior pastor at the Metropolitan Community Church of Toronto. I'm here to speak in sup-

port of the Accepting Schools Act, Bill 13, the proposed anti-bullying legislation. I know that over the course of the past few days, you've heard a lot of advice from many parties and many points of view about the proposed bill, and I appreciate the opportunity to share my views as well.

Firstly, I want to assure you that notwithstanding what you have heard, I believe the vast majority of people of faith support strong anti-bullying laws. Most people regard this as a matter of justice and basic human rights and that their faith calls them to uphold this. I strongly believe you will have overwhelming support from people of faith as you proceed to approve anti-bullying legislation. The radical religious right represents between 5% and 7% of the Canadian population. The vast majority of Christians want our kids to be safe.

Second, every single time human rights laws have been proposed in Canada that would afford LGBT people the same rights as other groups, the radical religious right has organized en masse to oppose them, saying the laws infringe on their rights or are anti-religion or anti-Christian. We saw this with non-discrimination laws, we saw it with marriage equality, and I think we saw it again here today. They have consistently suggested that simply treating LGBT people as equal citizens will lead to the downfall of civilization as we know it. And every single time when such laws have been passed, they have been wrong.

At one point, they said that recognizing LGBT relationships would decimate the birth rate. I heard that again today. My understanding is that heterosexuals are still very proficient at having babies. At one time, they said that giving gay people the right to marry would destroy the institution of marriage. It's my understanding now that having a married gay couple in the neighbourhood has not ruined straight marriages down the street. The sky-is-falling approach of the radical religious right has consistently proven false, and it will also in this legislation.

It appears that some of the people testifying in opposition to Bill 13 seem to consider themselves as the real victims, in that they believe that efforts to protect gays from assault, discrimination and bullying somehow impinge on their religious freedom to express and act on their belief that homosexuality is wrong. That may be stating it harshly, but I'm convinced that this is the underlying belief. They have always wanted the law to send a moral message and to legislate their brand of morality. My understanding is that we do not have a state religion in Canada, and many of us, including most people of faith, never want a state religion. The moral message that should be sent is a clear statement that bullying is wrong.

I am saddened, but not surprised that the radical religious right couldn't even agree that bullying is wrong. Their belief relies on a warped understanding of religious liberty. Freedom of religious expression doesn't give someone the right to verbally or emotionally torment a young lesbian or to assault a young gay man psych-

ologically, any more than religious liberty would shield someone from a physical assault. We know the consequences of that kind of destructive rhetoric when we apply it to young people who are already vulnerable.

They can hold anti-gay rallies. They can preach sermons and say that gays are destroying the world. Those kinds of expressions, as distasteful as they are, are protected. But bullying is not protected by the charter. Such behaviour can never be tolerated in a society that supposedly cherishes diversity and that wants our schools to be safe places.

At the end of the day, this is what I hope you'll remember: that we, as Canadians, do cherish diversity, and we cherish a culture where all—especially our young people—may live their lives in peace and safety. Thank you.

Ms. Helen Kennedy: Helen Kennedy, Egale Canada, Canada's LGBT human rights organization.

While Egale agrees with the intent and spirit behind much of the text within Bill 13, we feel that the bill contains multiple instances of ambiguous and incorrect language which may diminish its impact and lead to extensive difficulties in its implementation.

Egale finds Bill 14 seriously weakened by its generic treatment of bullying conditions and its failure to address some of the key social causes, conditions and implications of bullying, for example, homophobia, transphobia and biphobia. Professor Elizabeth Saewyc from UBC, through her work in BC examining generic bullying policies, revealed that in a population of grade 8 to grade 12 students over the last 10 years that generic policies, yes, do indeed reduce the impact of suicide amongst the heterosexual student body, but this is not the case for LGBTQ students. LGBTQ students continue to be at risk, at a higher risk than their straight counterparts for suicide.

For a detailed response to Bill 14 specifically addressing the dangers of adopting certain sections of Bill 14, I'd like to refer you to the presentation yesterday submitted by the Ontario GSA Coalition, of which Egale is a member.

Issues of concern within Bill 13 specifically:

Inclusion and reference to trans communities: While it's clear from the preamble to Bill 13 that the amendments therein are intended to directly address bullying and exclusion of trans individuals in schools, references to gender identity and gender expression are not used consistently throughout the bill.

This issue is exacerbated by the inconsistent usage of the terms "sex" and "gender." Egale recommends the inclusion of the terms "gender identity" and "gender expression" within a number of the sections of the bill.

In the preamble, for example: In subsection 1(1) and clause 1(1)(b) of the Education Act, we need to add "gender identity" and "gender expression" to a number of these clauses.

In subsection 3(1), also "gender identity" and "gender expression" can be included after "sexual orientation, age, marital status, family status or disability."

Also, I'd like to make note of the French text and encourage the use of "gender identity" and "gender expression" in the French text as opposed to "identités sexuelles," which is used in amendment 9 to clause 303.1(d).

When referring to members of the trans community, it's important to utilize the correct and inclusive language. The preamble to Bill 13 includes outdated and incorrect language. Egale recommends removing the terms "transgendered" and "intersexed" and replacing these with "transgender" and "intersex," and I've got copies of this for the clerk so you don't have to worry about it.

There are extensive definitions and information on correct language that are available from an organization called Trans Pride Canada, and I would encourage you to review that before finalizing this bill.

Addressing transphobia and biphobia: Trans individuals are often the subject of harassment, assault and discrimination specifically focused on their real or perceived identity as a trans person. The motivation for this behaviour is referred to as transphobia, and that should be included as part of the bill.

The phrase "gender-based violence" is ambiguous. It's not commonly understood to include violence perpetrated against trans people on the basis of their gender identity or gender expression. As such, Egale recommends the explicit inclusion of the term "transphobia" in addition to "gender-based violence" and "homophobia."

Bisexual individuals can also face harassment, assault and discrimination due to various stereotypes and generalizations often specifically targeting their identities. The term used is "biphobia." We'd like to see "biphobia" added. While references to homophobia can encompass some elements of discrimination against bisexuals and their communities, we recommend the explicit inclusion of the term "biphobia."

Egale recommends the inclusion of the terms "transphobia" and "biphobia" within the following sections: again, within the preamble; in amendments to subsection 300.0.1(2); and in subsection 7(3), amendment to sub-clause 301(6)(a)(i).

Cyberbullying: Cyberbullying in Bill 14 includes further information and more explicit language regarding cyberbullying which we recommend be included in Bill 13. We have statistics—and we're probably the only organization in the country that has statistics—of violence against the LGBT population, both within the school environment and also cyberbullying. We're happy to share those with you.

The Senate Standing Committee on Human Rights is currently conducting similar public hearings reviewing cyberbullying and the extent of the problem of cyberbullying today in society. I recommend that we may want to review that prior to the implementation of this legislation.

Supporting educators: While Bill 13 does, in several instances, refer to support networks and tools for educators to use to address inequality and exclusion, there is

limited detail regarding their exact nature. There are several areas in Bill 13 where this lack of detail is problematic and can be improved so as to empower all members of school communities, especially LGBTQ and allied individuals, to feel included and equal within Ontario's education system.

References to school climate surveys within the bill: The amendments to section 169.1 of the Education Act do not clarify the meaning of "school climate," nor do they require school climate surveys to explicitly include the prohibited grounds for discrimination mentioned within the bill, including gender identity, gender expression and sexual orientation. The lack of clarity leaves boards without the guidance required to develop effective survey tools that would allow them to engage their school community and fulfill their duties as specified in both the Education Act and the amendments proposed by Bill 13.

Reference to specific training for educators: Bill 13 lacks reference to training and development for educators. Egale recommends explicitly including:

(1) Mandatory equity, inclusivity and safer schools training with explicit LGBTQ content for all pre-service educators, as delivered through faculties of education. If we want the teachers to do this work, we have to give them the training and the tools that they need to do it correctly.

(2) Mandatory additional qualifications—AQ—courses on equity, inclusivity and safer schools training with explicit LGBTQ content for educators already in service.

(3) Mandatory focus of one of three yearly professional development days on equity, inclusivity and safer schools with explicit LGBTQ content. This PD would provide educators with support for the proposed anti-bullying week.

1820

Egale recently trained every principal, vice-principal, guidance counsellor and school administrator in the province of Newfoundland and Labrador. This is the first of its kind in the country, and we're going back in the fall to educate every single teacher—there are 5,000. Why can't Ontario do the same?

Bill 13 does not include mechanisms by which boards, individual schools and educators can be held accountable if they fail to comply with legislated duties regarding equity, inclusivity and safer schools. Some key areas include: boards' accountability to the ministry, boards' accountability to their educators and students, and boards' accountability to their individual school communities.

I just want to wrap up on the whole issue of gay-straight alliances. While Egale applauds specific reference to the name "gay-straight alliance" within this amendment, we acknowledge that not all groups will be called a GSA; some prefer QSA, queer-straight alliance. We acknowledge this. However, given the controversy regarding the name of safer space clubs in general, we recommend the amendment to section 303.1(d) of the Education Act read as follows:

“Activities or organizations that promote the awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance, or another name chosen by the pupils involved in the organization.”

The Chair (Mr. Ernie Hardeman): That does conclude the 15 minutes, so thank you very much for your presentation. We again apologize for the interruption—

Ms. Helen Kennedy: No worries.

The Chair (Mr. Ernie Hardeman): —but these things happen at Queen’s Park. Thank you very much.

FAMILY COALITION PARTY, NORTHERN ONTARIO

The Chair (Mr. Ernie Hardeman): Our next presenter is the Family Coalition Party of northern Ontario. Thank you very much for your attendance here today. You will have 15 minutes to make your presentation, and you can use all or any part of that. If, at the end of the presentation, there’s time left, we will have questions, and it will be the Liberal Party, the government party, asking the questions. With that, we do ask you to state your name for the record into the microphone before you start your presentation. The floor is yours for the next 15 minutes.

Ms. Jane Djivre: Thank you. My name is Jane Djivre. Does everyone have the handout that I provided? It’s going around. Super.

Good evening. I would like to start by expressing my thanks to the standing committee for the opportunity for public input regarding bullying and the province’s desire to address it. My name is Jane Djivre, and I am the president of the Sudbury Constituency Association of the Family Coalition Party, the FCP.

The FCP, in consortium with partners across the province, has had the opportunity to connect with tens of thousands of citizens concerned about the bullying issue, is actively engaging with representatives from communities across northern Ontario, and is even supporting a Bill 13 information tour across the north.

The results were illuminating. All citizens agree with the premise of an anti-bullying bill. Kids need to be protected. But what surprises those we speak with is the means by which the bill proposes to go about this and the granularity of focus to target specific bullied groups.

I have reviewed both Bills 13 and 14, and each carries elements of great merit and areas for improvement. The committee is to be applauded for considering how to bring the best of each bill forward to create a better bill.

The elements bringing considerable benefit include:

- the desire of both bills to assign a week each year that highlights the issue of bullying;
- the desire to help both the bullied student and the bully;
- the requirement of communicating incidents with caregivers and school officials;

—the addition of cyberbullying, through Bill 14;

—allowing children to report bullying in a non-threatening and non-identifying manner;

—collecting statistics every two years in Bill 13, which is likely easier on schools than every year, from Bill 14; and

—involving a wider community of stakeholders to establish a bullying prevention and response plan, as is seen in Bill 14.

However, there are several concerns relating to the bills. You have likely heard many by now. The general concern from traditionally principled families is that the wording of the bill will override traditional or faith-based values in favour of following school policy. This is an affront to the efforts of parents trying to raise their children in a manner that accepts and respects our neighbours despite our differences, and is far different than the proposed Bill 13 approach, which will lead to a narrowly and controversially defined school culture, leaving those in disagreement subject to retraining or expulsion.

Instead of legislating a point of view, why aren’t we teaching children critical thinking skills, empathy, respect and love?

I would like to briefly address specific sections of the bills.

First, unnecessary and onerous reporting to the principal: In Bill 14, the section relating to school staff duties requires every bullying incident to be reported to the principal for investigation, and caregivers to be informed. This represents an onerous administrative and attention burden to the principal, and the sheer frequency of such infractions will no doubt unnecessarily overwhelm both the principal and the parent.

Suggestion 1 is to establish response and consequence based on severity and frequency—of course, arresting all bullying; however, providing students with an opportunity to receive warnings and self-adjust. This will be likely most cases, because studies show that only a fraction of students are bullied repeatedly. Therefore, let’s direct the principal-led investigation to those meriting such attention. The goal is to create a learning environment in which children are lovingly taught respect and care for one another, and not to simply create a climate of fear of repercussions.

Second, overemphasis on students identifying as part of the LGBTTIQ community—lesbian, gay, bisexual, transgendered, transsexual, two-spirited, intersexed, queer and questioning: Bill 13’s preamble states that all students need to develop “a critical consciousness ... to take action on making their schools and communities more equitable and inclusive for all people, including” the LGBTTIQ community. Such language, coupled with Premier McGuinty’s alliance with the It Gets Better campaign, makes it really clear that the province’s anti-bullying efforts are about responding to the LGBT community, so we don’t need to pretend this isn’t the objective of the bill. Yet where are the consultations that indicate that this is the dominant bullying issue amongst children? It is known that some students who self-

identify as LGBT experience some form of bullying. However, a recent study within the Toronto District School Board showed that of all students bullied, as low as 5% of them are related to gender issues, which we can assume to include LGBT. So 95% of kids are bullied due to other issues. Why the resources, policies and everything else to meet the needs of the 5%, when their needs can be met when we meet the needs of the 95%?

Therefore, suggestion 2 is to remove the language of Bill 13's preamble with terms of inclusiveness specifically related to the LGBT community, and replace it with language that represents equity and inclusiveness for all students.

Concern 3 is about the potential impact on curriculum, and you have undoubtedly heard much about this already. Although the bill does not say "change the curriculum," the act does state that it will require boards to develop and implement an equity and inclusiveness policy. We need only to look at the Toronto District School Board to see the impact of its equity and inclusive education policy. The policy's objective is to affirm experiences related to sexual orientation. The policy is implemented through the curriculum guide Challenging Homophobia and Heterosexism, and through the learning environment, which is the curriculum. The same TDSB document says the curriculum is actually not just materials, but also includes extracurricular and in-class activities. It's an all-encompassing description of the school culture.

Therefore, suggestion 3 is to retain the language of Bill 14, requiring schools to develop a bullying prevention plan, and removing the Bill 13 reference to equity and inclusiveness if the interpretation of such language is specific to the LGBT community. Again, this will meet the needs of all students.

The fourth concern is a loss of rights. Through the implementation of such policies, parents, students and teachers will lose their right to freedom of conscience and freedom of religion. If a guide similar to the TDSB's is put into law, there's no reason why this wouldn't be the case—which mandates that a teacher cannot be excused for matters of conscience; they are not to inform parents, because this potentially fosters "a poisoned environment"; and parents cannot request to remove their children due to religious accommodation—all in the name of human rights.

1830

Suggestion 4 is, therefore, to include a religious accommodation or conscience clause to protect the rights of teachers, students and parents, even in public schools.

The fifth concern is mandating the support of student-led gay-straight alliance clubs and approval of such required resources. This is a particular concern in faith-based schools, yet children do need safe places and people with whom they can confide and understand the meaning of their emotions, feelings and life experiences. Although parents should be part of the equation, schools can be as well; however, not in the context of creating isolated segments of the student body and not in a manner that contravenes the school's own mandates and

reasons why parents trusted to put the children there in the first place.

If this bill taught respect and love for all, wouldn't that be better than telling Catholic schools they have to establish gay-straight alliances if a student wants, even though it's against their core doctrines? I'm not personally Catholic, but even in general terms, with the way the bill is laid out and the potential implications, it's unfair to parents with differing faith-based beliefs.

Therefore, suggestion 5 is to provide resources to the students in safe spaces in a manner that respects student needs, parental values and school mandates.

The final issue is the risk of biased interpretation, similar to what you heard in the preceding presentation by Egale: the biased presentation of seemingly ambiguous language in some of the sections of Bill 13—of course for different reasons. An example is if the pupil ought to know their behaviour would likely cause harm. That is extremely ambiguous and tries to understand what a child would or would not ought to know and should know. This kind of ambiguity is actually not appropriate in itself for the students and for those that are trying to reinforce these policies. Other ambiguities include activities deemed as "motivated by bias."

All of these are potentially problematic, and so it is suggested that the committee consider shifting to more inclusive language that reflects respect and tolerance of those holding diverse views.

In conclusion, concerns regarding this bill must be decoupled from diverse perspectives regarding sexual identity. In fact, communities we speak to are sympathetic towards any child facing unfair discrimination, bullying or any kind of abuse, including children and youth that are part of the LGBT community. So the issue of concern is really that parents are awakening to the potential impact of this bill, finding themselves facing an unwanted shift that will impose controversial values and mandate change in public schools and even in Catholic schools.

It's clear that Bill 13 is about more than bullying; it's about changing cultural and societal perceptions and openly doing so through the education system. Our position, and that of those we represent, is that it's not appropriate to use legislation intended to protect children as a way to change societal norms.

Bill 13 is not inclusive and marginalizes others. Children who are, for example, bullied for being short, fat, freckled, wearing glasses and lisping: Where are they in the bill?

Traditionally principled families are hard-working, loving people. They're people who vote, who give, who share. They're not afraid to associate with those who hold different beliefs and value systems, yet they're not afraid to hold their own and deserve to retain their rights. As you know, the Charter of Rights and Freedoms says that everyone has a right to believe and think and express the freedom of conscience and religion.

So how is it, then, that we're considering a bill that denies freedom of religion, denies freedom of thought,

denies freedom of belief? Further, how is it we're proposing to do it in a manner that denies parents the right to have a say, in the name of human rights? Truly, parents are the ones being bullied in a system set up to favour those who are influencing the pen.

Ontarians want a bill that is supportive of any child who is marginalized and bullied, and I believe the government of Ontario and this committee can put together legislation that will not, in the process, marginalize other students and bully the parents it seeks to serve. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It was very much appreciated. The time has been used up, so we won't turn it over for questions. It will save you that job of having to answer them.

TORONTO CATHOLIC DISTRICT
SCHOOL BOARD, WARD 7,
SCARBOROUGH/NORTH YORK

The Chair (Mr. Ernie Hardeman): Our next delegation is the Toronto Catholic District School Board, Ward 7, Scarborough/North York: John Del Grande, trustee. John, welcome, and thank you very much for coming here today. You have 15 minutes to make your presentation. If there's time left, we'll have questions. If not, the floor is yours for the 15 minutes. If you would, for the record, just state your name before you start your presentation and from there on the floor is yours.

Mr. John Del Grande: Thank you, Mr. Chair. My name is John Del Grande. Good afternoon, committee members, ladies and gentlemen of the gallery. I'm appearing here as an individual trustee within the Toronto Catholic District School Board. I have been so since 2003. I currently represent over 35,000 constituents and 22 school communities.

My speech today will focus on the abstract and principles, as my submission that you are getting refers to the more technical considerations and recommendations.

One of the misnomers that needs to be set straight is the belief that we can legislate away bullying. It would be the same as saying that we can legislate away criminal behaviour. Bullying also happens as much outside of the schools as it does during the school day. We technically already have sufficient provisions as part of the safe schools code of conduct, the existing Education Act and the progressive discipline approaches. School boards have focused much time and energy on bullying prevention, awareness activities, and staff and student education, and want to ensure nobody has the impression that this is a new concept or nothing is being done in our schools.

That being said, it doesn't mean that we should do nothing, but the problem has existed for centuries and will continue to be an issue in the future. It's how we deal with it, both victims and bullies themselves, including bystanders, in a transparent, consistent way, that we need to turn our attention to. It is always beneficial that

our provincial lens on issues can ensure consistency and common expectations right across the province in all of our schools. My constituents and those around me have become concerned with the bias, exclusions and unequal protections of this bill, and special weight for certain groups or bullying types. Let me be clear: No student should feel intimidated or threatened at school. There is much unreported bullying and it seems much has been said around what is reported, sensationalized, and the example of a few tragic incidents.

I can say that the number one issue I've got in the past, outside of certain unusual or one-time events as a trustee, is bullying. This cuts across all ages, genders, cultures and walks of life. It is insulting that some bullying seems to be held in higher regard or importance than others. Tell that to the students and parents affected.

Sexual orientation, for which Bill 13 has caused all the rage, was not near the top, as I understand, in various school board publications. It was not the top item based on student surveys and bullying statistics. Does it make it unimportant? No. Does it make it more important than other issues? No. But let's not dwell on statistics because they change year to year, school to school, time and place. We need a bill that's universal. This bill should be about improving the Education Act to better create environments within or schools, ensuring strategies are in place in all schools to deal with the important topic of bullying. Some individuals and outside groups are using this opportunity to turn the attack against the Catholic church, faith-based schools and anyone else who doesn't share their opinion. Let's have them look in the mirror and reflect on who's bullying who. But that's not what this bill should be about. Instead of legal challenges and division, I ask members to remove these parts of the bill so we can focus on prevention and action for all.

Some weaknesses I see in this bill is it speaks to nothing of the bystander. I said at one of my board meetings when we were looking at statistics that maybe we don't need to go so far as a Seinfeld-coined good Samaritan law, but need to ensure that everyone takes a fulsome understanding of bullying, which includes reporting, and not participating, even through passive means. Doing nothing often borders on endorsing it.

There are general improvements, both in Bills 13 and 14. They ask for general bullying plans, but not specifics. Parents want to know how their individual son or daughter will be protected. This is absent. I've had parents ask what the bullying plan is for their specific child, what the protection plan will be.

Victims' rights: They're the ones who often feel punished, ostracized, need to stay indoors for recesses and need to play near a yard-duty teacher.

Anonymous reporting is absent. This compels students to report and identify.

Bill 14 does provide a fuller definition of bullying, but Bill 13, for example, requires an element of aggressive behaviour, but some forms of bullying rely on exclusion from participation or shunning, which is indeed passive and not aggressive. Bill 14 compels staff to report timely

and regardless of anyone else who may have already. Bill 14 adds accountability frameworks to staff, the principal, the board, right to the minister's door. Consultation, in addition to responsibility, is for and with everyone.

We need to ensure that the proposals and actions are going to generate less red tape and fit into the existing safe schools data reporting. We already have an over-loaded school administration. I don't want there to be a false sense of security in this bill in terms of principal responsibilities.

Within Bill 13, I personally take offence at the minister rewriting and approving policies, as this may inadvertently yield inconsistencies between boards, the mood of the day and even between appointed ministers. The minister does not approve policy for boards, as this seems a smack in the face of public school boards and trustees for what we were set up to do and function for.

1840

On the issue of support groups, along with my earlier comments, Bill 13 specifies some groups and not others. I see nothing about students who are targeted about how they look. Even take examples of students bullied over religion: Some students get just as much bullying for being devout or ultra-orthodox as perhaps some more relaxed or those with none at all. Nowhere else are students set to create and lead their own groups on their own without school support and authorization. I remind members, as they will know, that teachers are not obligated to support or participate in anything beyond the school day.

I personally am unclear what the support groups will offer. They can be effective in providing supports to students, but this only works where the student self-identifies and seeks assistance and primarily centres around the victims. Support groups do little to address the aggressor/bully, the general public or the student who feels intimidated, shy or can't make time for after-school groups.

We have a fear that staff will then direct students to these peer-led groups, and parents will be uninformed. They have the first right to know and not have their child coached by another, possibly unqualified, student. Remember, even activities outside the traditional school day are covered under charter and constitutional protections and are the responsibility of the school board.

The better response is to ensure all victims and perpetrators are offered professional support. This will then lead to my big question of: Where will the money come from? School boards are already underfunded for counsellors, mentors and social workers.

We need to clarify around discipline and progressive discipline. Parents have this notion of zero tolerance, which was around and then disappeared but seems to be back again or understood as part of this bill. The provision includes a statement that the purpose of discipline provisions is "to encourage a positive school climate and prevent inappropriate behaviour" based on a number of specific things. Is it necessary to identify specific inappropriate behaviour? The list could go on and on—

perhaps forever—to include incidents based on racism. Is it not sufficient to say just "inappropriate behaviour"? There are already different interpretations of the word. Homophobia, like racism, will be used to describe something it's not. These words have been used completely out of context because it is convenient to do so and adds sensationalism to the situation being described.

I urge members here, especially government members, to seriously look at incorporating some of the amendments you have heard at these committee proceedings today and over the last number of weeks. I have heard some members question speakers and witnesses both at the committee and elsewhere where the speakers felt that certain elements of programming and sex education were derived. You've heard from people today about the specific references in Bill 13 to the EIE policy, but also consider that the minister, types of groups, speakers and materials that get perpetrated down from the ministry or different individuals could also lead to that kind of thing. I do thank you for your time this evening.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about four minutes. Ms. MacCharles.

Ms. Tracy MacCharles: Thank you for your presentation today. My question is regarding your recommendation number 8, which speaks to a recommendation for "boards to make general support groups available where there is student interest, staff support and where its goals are in harmony with the school's shared culture and goals." I'm wondering if you can tell me a bit about how a school's shared culture and goals would be established in this context—what that process would look like, who makes the decision and so forth.

Mr. John Del Grande: Well, I believe, I think as does the government, that local decisions are for local individuals and local needs. Obviously, we have Catholic schools, we have French schools, and we have public schools that have a variety of different alternative programming and specific needs they cater to. I think a lot of things have been said around what we call those groups, and I think those areas of division need to be removed. Let's just focus on ensuring that each individual school can look at what its needs are at that school, figure out what's best served and look at the individual circumstances that are contributing to bullying or students feeling unsafe within that school environment and then set up clubs appropriately.

Ms. Tracy MacCharles: So if a group of students was to approach the administration to form a club at lunch or after school for aboriginal use, do you feel the principal should support that?

Mr. John Del Grande: Well, I'm not in favour of individual things that exclude others. If that's an issue that has been raised, then that should be taken in context with, "Are there other things that students haven't come to the administration with?", and look at more of a broad-based approach to address those issues. Even individuals of specific student types, social or cultural, are not unique. The issue of bullying is broad-based, and the supports that people need are universal.

Ms. Tracy MacCharles: Recognizing there are thousands of clubs in our schools in Ontario—everything from chess clubs to groups that support children with disabilities—if a group of students were to approach their administrator asking for a lunch or after-school group and they wanted to be called a gay-straight alliance or some other name, do you feel the principal should support that?

Mr. John Del Grande: My opinion, Madam Member, is that when it comes to bullying, we don't need to create slices and segmentations. We don't need pink shirts, blue shirts, white ribbons, black ribbons; we need dignity and respect for all people. There are universal issues and we need to stop the issues that are happening in our schools, full stop, and make sure that all students, no matter who they are, are supported and are welcomed.

Ms. Tracy MacCharles: Thank you. I have no further questions for this round.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

Mr. John Del Grande: Thank you.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO

The Chair (Mr. Ernie Hardeman): Our next presenters are the Elementary Teachers' Federation of Ontario. I see you've arrived at the table. Thank you very much for being here. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that time for your presentation. If there's time left at the end, we will have questions from the committee. The questions for this presentation, or the next presentation that leaves us time, will come from the official opposition. With that, the floor is yours, and if you could, as you start speaking, make sure you introduce yourself in the mike for the Hansard reporting. Thank you very much for being here.

Ms. Susan Swackhammer: Thank you, Chair. Good afternoon, my name is Susan Swackhammer, and I am the first vice-president of the Elementary Teachers' Federation of Ontario. We represent more than 76,000 contract teachers, occasional teachers, designated early childhood educators and education support personnel. We are the largest teacher federation in the country.

With me today are Gene Lewis, our general secretary, and Vivian McCaffrey, well known to you and a member of our executive staff.

We are pleased to have the opportunity to participate in the committee's hearings on Bill 13, the Accepting Schools Act, 2012. ETFO supports the bill's focus on addressing bullying in schools and fostering a more inclusive school environment. While we support the overall thrust of Bill 13, we believe that the legislation could be strengthened by making a number of amendments. You will note that we list our recommendations at the end of our brief and that a number of the recommendations are based on provisions of Bill 14, the private

member's bill introduced by former MPP Elizabeth Witmer.

I would like to begin by addressing the issue that has attracted the most discussion regarding Bill 13: the provision for ensuring students can establish clubs that include those that are called gay-straight alliances. Fostering a more inclusive school environment is an overarching theme of Bill 13. A key strategy within that theme is supporting students who wish to establish organizations that promote gender equity or confront anti-racism, ableism and homophobia.

These organizations would provide the opportunity for students to educate themselves about equity issues and to support each other in their journey of awareness and understanding. The proposed new section 303.1 would require school boards to support students who wish to establish organizations that would address discrimination generally or to focus on one specific ground of discrimination.

ETFO believes that it is important that students have the right to use the terminology "gay-straight alliance" and to specifically focus on homophobia, transphobia and gender identity as these relate to their own development and their understanding of others. The federation also believes that once the legislation is passed, the ministry has the responsibility to directly communicate to school boards, school staff, students and parents about the new requirement for boards to support student organizations like gay-straight alliances.

I would now like to focus on our recommendations.

Recommendation 1: Bill 13 proposes to define bullying generally as "repeated and aggressive behaviour by a pupil." In contrast, Bill 14 defines bullying as "severe or repeated" harmful behaviour.

The limitation of Bill 13's definition means that a serious single act of anti-social behaviour could fail to be addressed. It also appears that a series of individual acts by different students against a single victim would escape the definition. ETFO believes section 1 of Bill 13 should be amended so that the definition of "bullying" under subsection 1(1) may include a single serious incident of student bullying.

1850

Recommendation 2: A common complaint we receive from our members is that principals don't always take the reports of student violence seriously, or that there isn't a systematic means for centrally tracking and reporting such incidents. Bill 14 proposes amending section 3 of the act by adding a new subsection 3(2) that would require the minister's annual report to the Legislature to include school board data about bullying incidents in schools and to identify the steps taken by the minister to address such behaviour. ETFO supports this proposal and believes it would lead to a more systematic documentation of bullying incidents.

Recommendation 3: Bill 13, through an amendment to subsection 169.1(1) of the act, proposes to require schools to conduct student surveys every other year to monitor the effectiveness of the board's equity and inclu-

sion policies. ETFO supports the survey proposal but believes that it's important to also survey teachers and other school staff to fully gauge the effectiveness of the policy implementation. School staff have an important perspective on what's happening at the school level.

Recommendations 4 and 5: Bill 14 includes two important policies that are fundamental to addressing the incidence of bullying in schools. First, the bill proposes to amend the duties of school boards under the act by adding new paragraph 7.4 under subsection 170(1), which would require school boards to provide instruction on bullying prevention. Additionally, through new paragraph 7.6, Bill 14 proposes to require school boards to provide teacher professional development on bullying and strategies for dealing with such behaviour. ETFO supports both proposals.

It is important, however, that the Ministry of Education provide the appropriate curriculum and work with the teacher federations to develop and deliver meaningful professional development for classroom teachers and school staff. The ministry should fund release time to ensure that the training takes place during the instructional day. Too often, the ministry introduces policy initiatives without adequate financial support for related classroom resources and professional development.

Recommendation 6: As mentioned earlier, a common concern we hear from our members is that their reports of bullying or other incidents of violent behaviour are not always taken seriously by school administrators. Bill 14 proposes, through new paragraph 7.8 under subsection 170(1), to require school boards to promptly forward principals' reports on school-related bullying incidents to the minister. ETFO believes this amendment would clarify the reporting requirements of school principals.

Recommendation 7: Bill 13 proposes more prescriptive language regarding the minister's authority to develop policies and guidelines with respect to student discipline under the provincial code of conduct. A new subsection 306(7.1) would also establish specific authority for the minister to establish policies and guidelines for bullying prevention in schools. ETFO believes that intervention programs and resources should also be targeted at bystanders who witness bullying so that they too can be educated about the effects of such behaviour and how to respond. Clause 306(7.1)(b) should be amended to include bystanders as the focus for resources to support pupils who are impacted by bullying.

Recommendations 8 and 9: Since I'm running out of time, I'll direct you to our last two recommendations that support Bill 14's proposal for bullying prevention plans.

Before concluding, I'd like to take the opportunity to respond to comments made yesterday by representatives of the Ontario Principals' Council regarding the cap on supervision time that teachers have achieved through the collective bargaining process. The OPC continues to react against contract provisions that place some limitation on principals' authority to assign duties to teachers outside of their classroom responsibilities. Supervision time is a red herring. Teachers' responsibilities include

supervision before and after school hours, but there have to be limits for individual teachers, and our collective agreements establish those reasonable limits. Students cannot be watched every minute of the day and we cannot supervise their activities in cyberspace, where much of this bullying takes place.

The real issue about addressing student bullying is to teach students the importance of respecting others and to self-regulate. We teach self-regulation beginning in kindergarten. Assigning more supervision time to teachers is not going to reduce student bullying. We need to address the issues we've discussed in our presentation today, namely appropriate curriculum for students, professional development for teachers, and leadership training for school administrators to ensure that incidents of bullying are reported and addressed within the regular school day.

In conclusion, we urge the committee to take advantage of the provisions outlined in Bill 14 when it considers amendments. The presence of both anti-bullying bills provide a unique opportunity to develop policy that will bring positive changes to Ontario schools. The new legislation will not, however, have the desired impact unless the policies are supported by clear communications from the government and by resources and professional development that go beyond what was in place to implement previous safe school legislation.

Thank you. I'd be pleased to answer questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about two minutes. Ms. MacLeod?

Ms. Lisa MacLeod: Thanks very much for your presentation. It's very nice to see all of you here today. I appreciate your views on Bill 14 as well, that was introduced by my former colleague and still my friend, Elizabeth Witmer. I really don't have much to add. You've given us a very thorough presentation with some serious recommendations which we'll make sure to put across at clause-by-clause. I was wondering if there was anything else that you would like to add.

Ms. Susan Swackhammer: No.

Ms. Lisa MacLeod: Thanks very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated. We look forward to considering your presentation as we review the implementation of the report. Thank you very much for being here.

CATHOLIC CIVIL RIGHTS LEAGUE

The Chair (Mr. Ernie Hardeman): Our next delegation is the Catholic Civil Rights League. Thank you very much for coming in. I noticed that the faces look familiar, so you've heard me say this more than once before: You have 15 minutes to make your presentation. You can use any or all of that. If there's time left at the end of the presentation, we can have questions from the committee. The questions would come from the third party.

With that, as you start your presentation, if you would introduce yourself into the microphone for Hansard, we'd very much appreciate that. The floor is yours.

Ms. Joanne McGarry: I'm Joanne McGarry, executive director of the Catholic Civil Rights League.

The Catholic Civil Rights League is a national laity association established in 1985. The work of the league involves submissions to legislative bodies, court interventions and media engagements in order to promote a fair hearing for Catholic teaching in the public square. As such, we have several concerns about Bills 13 and 14—or now Bill 80—that we would like to share.

Bill 13 is more focused on gender than on bullying. Any bullying is unacceptable, and the vast majority of Canadians support efforts to address bullying, including cyberbullying, through legislation and efforts by schools and the community at large. Several studies show that bullying at school-age levels is most likely to be based on body image, race or culture, or performance in school, with gender and sexual orientation issues lagging behind. Body image is by far the leading cause. Therefore, an effective anti-bullying strategy will be comprehensive and focused on making schools safe for all students and indeed all members of the school community. For this reason, Bill 14, or now Bill 80, offers a better strategy since it is comprehensive and insists on accountability.

We challenge the emphasis that Bill 13 puts on matters of gender and sexual orientation, including the insistence that all schools offer gay-straight alliances, or similar organizations, if requested by students. Although we applaud the effort to require school boards to develop policies that discourage and penalize bullying, Bill 13 seeks to impose a radical understanding of gender.

1900

Bill 13 introduces in its preamble the acceptance of the disputed notion of gender as a social construct, making use of the acronym LGBTTIQ to describe variants of sexual orientation and gender identity. It is not necessary to advance a discussion of the countless theoretical variants of gender in order to give teachers the tools they need to combat bullying.

There is also mention in the preamble and numerous times throughout the bill of “homophobia.” In our view, the use of this term is objectionable in that it tends to label people, shut down debate and, in many quarters, is meant as an insult. It's not far-fetched to regard the term as a bullying one in itself and, as such, it has no place in an anti-bullying strategy.

A comprehensive anti-bullying policy based on respect for the dignity of the person which is consistent with Catholic teaching and the teaching of all major religions would recognize that all students should be free from bullying without categorization or qualification.

Anti-bullying spokespersons who have addressed this committee, including Anthony McLean, the founder of iEngage Bullying Prevention, who spoke last week, also have said that labelling people and putting them into boxes is not effective. It should not be necessary to identify and label various students according to notions of

their sexual orientation in order to hold bullies to account.

Mr. Philip Horgan: My name is Philip Horgan. I'm president of the Catholic Civil Rights League. Joanne has given some broad-strokes propositions. I'd like to focus on two items: denominational rights guarantees and then questions that have been raised to this committee a few times regarding impact on curriculum.

In our view, Bill 13 undermines denominational rights. The bill deems that school boards shall “support pupils who want to establish and lead activities or organizations that promote ... the awareness and understanding of, and respect for, people ... of all sexual orientations and gender identities,” including organizations with the name “gay-straight alliance” or another name. The clause I have quoted excludes parents, trustees or school officials. Why are they to be shut out from the oversight or involvement in such clubs?

Parents of all faiths, including those with no religious affiliation, will wish to know just what is being offered at their school, especially in the areas of sex and gender, with or without the engagement of faith and morals. However, a student-led club for discussion of gender and sexual orientation issues cannot be adopted in a Catholic setting in the absence of knowledgeable adult leadership.

Forcing a student-led club on these themes on Catholic boards would be an affront to church teaching and an infringement upon the denominational guarantees established in the Constitution with respect to Catholic schools in Ontario. We therefore object to making such organizations mandatory in any school and suggest that adult supervision at a minimum is essential in such student settings.

If there is no adjustment to the bill to accommodate the constitutional guarantees of Catholic schools, a constitutional challenge can be anticipated.

Given that everyone opposes bullying and that equality and respect for all are central to Christianity, there should be no problem implementing a comprehensive anti-bullying policy in any school, especially in Catholic schools, by, for example, having reference to the principle of the dignity of the human person.

Turning to curriculum, it is our view that Bill 13 will impact the curriculum. Proponents of the bill say that the amendment is concerned with policy, not curriculum, but in our view this is a questionable distinction since policy and curriculum often influence one another.

I refer you to the Ministry of Education's own website, which lists more than 150 program and policy memoranda, many of which involve curriculum to a considerable degree, such as graduation requirements, religious education programs eligible for credit, daily physical education, home-schooling, or graduation literacy test requirements.

From a positive perspective, policies on inclusion of the disabled have led to the creation of curriculum materials with good role models, encouraging the acceptance of students and teachers with physical challenges.

In the present case, many parents believe that an excessive emphasis on matters of gender and sexuality in anti-bullying programs will encourage the adoption of content in health and family life programs that many families would find controversial, objectionable or contrary to their religious perspectives.

In conjunction with previous policy guidelines of the ministry, the June 24, 2009, equity and inclusive education guideline for policy development and implementation, which is PPM 119, uses the language that a board is expected to take steps to “embed the principles of equity and inclusive education” into all aspects of the learning environment, and further, at page 16, is expected to embed the principles of equity and inclusive education in all its policies and practices, and to integrate an equity and inclusive education focus into its way of doing business and all operations of its schools, including instructional practices.

It seems incongruent to us to suggest that this bill, which provides the opportunity again for the minister to implement further policies in this area, will not have the impact of piggybacking on to existing policy guidelines such as PPM 119, where it is specifically indicated that it should have an impact on instructional practices.

Members of the Legislature are certainly aware that, in a broad sense, the law has an educative function. The league has raised concerns about the adoption of gender as a social construct in this bill, and the impact it may have on other educational applications. The incorporation of Bill 13’s recognition of categories of gender is in opposition to a Catholic understanding of this area of sexual relations. In our view, Catholic school boards and Catholic stakeholders are entitled to the protection afforded them under the Constitution.

We believe that a new anti-bullying strategy is needed, one that will respect the dignity and equality of all members of the school community, with requirements for accountability in how boards are implementing their policies and what progress they are making, and also with an explicit recognition of the constitutional guarantees of Catholic schools. We think, in the circumstances, that Bill 14 meets this objective far better than Bill 13.

Thank you.

The Chair (Mr. Ernie Hardeman): Very good. That’s your presentation?

Mr. Philip Horgan: Yes, sir.

The Chair (Mr. Ernie Hardeman): I’m sorry. I just arrived back. With that, we have a few minutes left here, about two and a half. Ms. DiNovo?

Ms. Cheri DiNovo: Thank you, Mr. Chair. A question we’ve received in many deputations here from the Catholic school system, one of them from the Ontario English Catholic Teachers’ Association, which at a recent meeting voted 90% in favour of supporting, essentially, Bill 13 and its hopes, its aspirations—I’m wondering if you could speak to that.

Mr. Philip Horgan: Well, I think OECTA has certainly indicated in its positions its support for anti-bullying programs. I do not wish to mince words.

Having said that, you’ve heard, for example, the Ontario assembly of Catholic bishops speak to this bill. You’ve heard them speak to various members of this committee privately or—

Ms. Cheri DiNovo: Actually, we haven’t, but that’s okay.

Mr. Philip Horgan: Well, I’m expecting that that will come.

Ms. Cheri DiNovo: Okay.

Mr. Philip Horgan: My view, though, is, in the circumstances, OECTA has also supported the bishops in what they’ve had to say about the bill. So there seems to be a disconnect there with respect to their public portrayal of the issue and the support for Bill 13.

Having said that, they’re the teachers. We represent, I think, a broader cross-section of the Catholic community, whether it be parents and other stakeholders, and in the circumstances, we see grave concerns with the impact on denominational rights.

Ms. Cheri DiNovo: We’ve also heard from students within the Catholic system who have asked for gay-straight alliances in their schools, and there is a group that has organized themselves to fight for just that, citing civil liberties, that this is their constitutional right under the charter. I’m wondering what you would say to those, I have to say, very courageous young people who have gone up against teachers, boards, everything, to be able to do this, just to protect themselves. After all, they have four times the suicide rate of straight students. What would you say to those students?

Ms. Joanne McGarry: When parents choose a Catholic school, they do so in the expectation that Catholic teaching will be upheld. Much as we have every respect for the viewpoint of those students, you’re not always going to get every group or every organization that you may seek, and the views of the parents and the views of the teachers and other members of the Catholic education community must be brought to bear so that Catholic education principles are being upheld.

1910

Mr. Philip Horgan: I would like to think that one of the cardinal virtues we teach is courage: the cartilage, the hinge between rash action on the one side and inaction on the other. The question arises in my mind whether in fact those students may be pursuing a direction which may be verging on the rash action in the context of the Catholic denominational guarantees.

We see persons from a Catholic perspective as more than their sex or their orientation. We see the dignity of the human person.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude the time. We appreciate your participation.

FAMILY COALITION PARTY OF ONTARIO

The Chair (Mr. Ernie Hardeman): Our next delegation is the Family Coalition Party of Ontario. Thank you very much for coming in today. We very much

appreciate you being here. As with the previous delegation—that's right, if we just give that to the clerk, he will pass it out to the committee.

As we've said with previous delegations, you have 15 minutes to make your presentation. You can use all or any part of it and if, at the end of the presentation, there's time to have questions, we will hear the questions from the government side this time. With that, when you start the presentation, if you will state your name for the Hansard and from thereon, the floor is yours for the next 15 minutes. Thank you.

Mr. Eric Ames: Thank you, sir. My name is Eric Ames. I'm the communication director for the Family Coalition Party of Ontario. Presenting also with me tonight is Devon MacPherson, and I'll let her briefly introduce herself when the time comes.

Honourable members of the standing committee, I am privileged to sit here before you to represent the people of the Family Coalition Party of Ontario. I also speak as a father, as a certified teacher and a citizen of Ontario.

You had heard earlier this evening from my northern colleague, Ms. Djivre, and I thank her for representing the concerns from the perspective of her region.

We sit here tonight discussing a very important matter and I want to thank each of you for the time that you invest in these long debates and proceedings. I'm sure you can all agree that when we have these opportunities, just like in your constituency offices, when you get to hear different perspectives, your own perspective can't help but be broadened, as mine has been through the conversations with people in our office.

I want to be clear on where we, as the Family Coalition Party, stand. We believe that bullying for any reason is wrong. We therefore believe that legislation that fails to address bullying for any reason is inadequate legislation. Not only that, we also believe that for tangible success to happen with this bill, we need to not only look at the wording of it but also at its implementation.

At no time—and I don't believe this is the interest of those who have written the policy nor those who are debating the policy—should we be excluding the input from school boards, teachers and especially parents.

No doubt you've heard many appeals in these committee hearings, so I'm going to keep my comments brief to try to leave time for questions. We've provided documents for you to use and I'll refer to them as we go through here.

You'll also hear from Devon this evening and it's important that you hear her perspective on how bullying has affected her. She'll share that with you in a moment.

I want to draw your attention to the Bill 13 document that was handed out, on page 6. I'm just going to briefly highlight our major concerns with Bill 13. Looking at page 6, we ask that section 303.1 be amended to not limit mandated support to these mentioned four clubs. Even though we're not fully convinced that creating clubs will actually lead to more inclusion, since they are in their very nature exclusionary, we are asking that other rea-

sons for bullying be acknowledged so that this bill truly supports all students.

Second, we call attention to the inconsistent use of the word "religion" in Bill 13. On page 1 in the preamble, religion is omitted from the list of reasons for protection. We note that the word "religion" is only used in describing a power imbalance in regard to bullying. Parents have contacted our office and have expressed concerns about whether or not their constitutionally protected rights to their beliefs will be protected by this bill.

We also have a concern, given the events that took place in Parkside High School in November of last year—which you also have in your document package. If these reports are indeed correct as they are reported, if this is leading to the way in which this is going to be implemented in schools, we do have a concern that people's rights are going to be protected.

In your package, as well, we've included the hate crime statistics report from 2009, presented by the police, that was reported in Statistics Canada. Using these reports, religion was the second highest motivator for hate crimes in 2009, at 29%. Most of this occurred between the ages of 12 and 17, so indeed this is a school-based problem. I'll say again, legislation that fails to address bullying for any reason is inadequate legislation.

Third, we call into question amendment 3.1 on page 3, requiring that third parties sign and abide by the prescribed provincial code of conduct. We measure this amendment by the statements made in the Legislature by Honourable Laurel Broten and by Mr. Peter Tabuns, which I will address in a moment. Again, in this case, we are simply making sure that legislators have the intent to uphold the constitutional rights of the citizens of Ontario.

I'd like you to hear now from Ms. MacPherson. It's unfortunate that we don't have time to hear all that she has to share—she has a very powerful story—but I've asked her to share how bullying has affected her.

Ms. Devon MacPherson: Thanks again for letting me come up here. As Mr. Ames said, my name is Devon MacPherson. I'm a 21-year-old third-year university student, a charity founder and owner, and I work full-time at a company called Key North Productions.

I ask that you take what I'm saying today very, very seriously. This is not something to be taken lightly, as you all know. This is the time when my voice can be heard—when it was silenced. This is the time when my voice can be heard—when everyone told me it wasn't right. So this is very serious, and I ask you to take that in a very serious manner. I've made my speech very candid, and I'd like any questions that you have for me to be very candid as well. Feel free to ask me anything you want, and I will try my best to answer.

If you don't remember anything else I say today, I want you to remember one word: "scar." First off, the word "scar," by definition, is a mark left on the skin or the body tissue where a wound has not healed completely. You're probably wondering, "What does a scar have to do with Bill 13, and what is this girl up here talking about?" Well, I actually think it's one of the most

important words that should be involved in this act, as I can guarantee that any child who is bullied or involved in bullying will be left with a scar that will not be removed.

As I will demonstrate with my handy label here, this is name-calling. When you're called a name, a label goes on. This leaves you with a significant scar. Some people will get off with a small scar, but others, like me, will be left with a scar that has long-term ripple effects on them. We have put initiatives in place which I call band-aid effects to try to deal with the scar, but as you notice, even when you take the bandage off, look what's still left: the scar.

Let me tell you about my experiences and the scar that they have left me. Although I cannot blame bullying for 100% of why I have mental illness, I can say that my doctors, psychiatrists, nurses and other members of my therapy team know that the cumulative experiences of my bullying—everything from daily name-calling, physical abuse, texting abuse, Facebook abuse, any other social media methods—from grade 3 to present, have played a major and significant role.

Last May, I was diagnosed with OCD, generalized anxiety disorder, depression, a learning disability in math, ADHD and social phobia—at the age of 20. No one noticed before then. It was these illnesses that made me an in-patient at the hospital twice: once for 13 days and another for four days. I was also a patient of the mental health day centres for months. This is a very scary experience, for anybody who has not gone through it. I am very fortunate that I got the opportunity to see these doctors, but it's a very scary experience for anybody to go through.

This diagnosis, as you can imagine, turned my life upside down. I was unable to do even the simple things. Let's talk about watching TV: I couldn't watch TV last May because it fed into my OCD thoughts. I was not able to spend any time with my friends, as I had to be home within 20 minutes. I think the most I could do was go to Tim Hortons and come back. I also, unfortunately, had thoughts of suicide, and when my thoughts would get too much, I would scrape my arms. Talk about a scar; it will be there forever.

I could not take the mental or physical pain any longer. Anybody who has not suffered from mental illness, just imagine the worst flu you've ever had in your life and times that by 10. That's about what mental illness feels like.

1920

Although I've worked through much of that now, I will always have mental illness and, as one country singer says, the scars to prove it. This is where Barkley comes in. If you didn't notice, he's down here. He is a service dog for mental illness, and he is able to sense when my anxiety is going to strike and warns me. He also has very good senses and knows when I need him around and will report if anything serious is happening to me. I have had him for four months now, and to be honest, even after this short time, I cannot imagine my life without him.

With that, my wishes for Bill 13 are very simple but very, very important. I feel that I am the voice behind this bill as I am the students who you are talking about. I wish that staff and faculty be fully encouraged to report acts of bullying. I often find teachers—not all teachers; I'm not going to say that—see acts of bullying and, instead of addressing them, walk beyond them, as they feel like it's too much work.

I also suggest that supports be put in place. Now, I'm not talking about clubs; I'm talking about legitimate social workers. For instance, I go to a social worker once a week, let's say, and I have about five different specialists. The cost to see a social worker is about \$160 an hour. I work for minimum wage, so I make \$60 a day. Because of my math disability, obviously I'm not good at math, but I do know one thing: that that wage does not cover that amount. What happens to students who don't have this or do not have health benefits to get the support they need? This is farther than just clubs; this is that a social worker needs to be present.

When you think of Bill 13, I want you to think of this speech. I want you to think of this label. I want you to think of the word "scar." I came down here today to tell my story candidly, as I never want another student to have to experience what I've gone through.

Thank you so much for your time.

The Chair (Mr. Ernie Hardeman): Thank you.

Mr. Eric Ames: I'd like to say one more thing. In Ontario and in Canada, we pride ourselves on our diversity, on our cultural mosaic. We don't all look the same and we don't all think the same, and diversity adds vibrancy and flavour to our culture. But along with the virtues of diversity comes an enormous responsibility. It's a skill that I believe has been lost in Ontario today. It is the skill of communicating with respect in the face of difference.

In our province and country, we have the right to choose how we live, as long as we live within the limits of the law. We also have the right to choose what we believe, and in that, there will always lie difference.

I think the Catholic trustees produced an aptly named document: *Respecting Difference*. Let me contrast that with the name of Bill 13, the *Accepting Schools Act*. Do we truly understand the difference between respecting and accepting? Bill 13 seems to imply that to stop bullying, people need to accept anything, and there have been comments made by some that people who fail to do this are agents of hate. This attitude, however, ignores the fact that you can't have diversity without difference. So I believe the most important task anyone has in living in a free society is not to accept at all costs, but rather to respect in all circumstances.

It's saddening to see how this bill has highlighted and made contentious the issues of religion and sex. By certain omissions and inclusions, the government has taken an issue that has plagued us all and politicized it, inciting social shoving matches and clouding what is simply a straightforward issue: No bullying is okay.

It's our hope that the best of both Bills 13 and 14 will come together into legislation that respects and protects all bullied.

I wanted to ask if I may ask a question. Is that possible?

The Chair (Mr. Ernie Hardeman): You can ask a question. I'm not sure you're going to get an answer.

Mr. Eric Ames: Okay. I do want to leave this as an open-ended question. May I address an individual?

The Chair (Mr. Ernie Hardeman): No, you're addressing the committee.

Mr. Eric Ames: Okay. A comment was made in the Hansard report on March 26, and it was echoed by the education minister. In both cases, it was stated that our culture needs to be changed to stop bullying. Ms. Broten stated on December 7 that the Liberal government's goal with Bill 13 is to change the attitudes and behaviours of Ontario and change them for good. Reading these statements in the bill and considering the discussion of the Legislature, I want to ask, who or what in our culture needs to be done away with?

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about one minute to answer, and it's the government side that has a question, if they would like.

Mr. Kevin Daniel Flynn: What would you suggest then? I actually enjoyed the presentation; I thought it was very detailed.

A young man or a young woman in an Ontario publicly funded post-secondary, or secondary, school, in this case, is being bullied because of their sexual orientation and thinks, "You know what? If I could talk to some of my other students in some sort of setting, and if they understood me better, maybe they wouldn't bully me anymore and they'd learn a little bit more about me." Do you agree that's a good thing or a bad thing?

Mr. Eric Ames: I think any opportunity that people have to discuss themselves openly and to have communication is a good thing. I'm not convinced that clubs work. I know that a number of people have talked to us and said that they don't agree that they do either because a club excludes certain things. There are certain requirements for a club. So, you've basically created a box for kids to sit in. That might be an empowering thing for those people in the box, but have you broken down any walls in the school? I would argue no. If someone was to approach a principal and say, "I would like to start a group," I think the principal should ask, "Why?" and secondly, "Will this group be respecting of others outside of it?"

Mr. Kevin Daniel Flynn: We had a young lady in yesterday. She'd managed to start a group, after quite a struggle, in her own school. I was able to get some answers out of her that seemed to indicate that it had gone very well. It had the support of the school, it had the support of the students and had the support of the parents in the school. This was a young lady who had gone through quite a struggle to get this thing initiated.

Ms. Devon MacPherson: Can I just add something—sorry, quickly—as a victim of bullying? I know that the issue of groups/no groups is a very important one, but I think what we need to do is, if we're placing people in a box, if we're calling it a box, the club, to protect people, we just also have to make sure what we're doing for those students outside of that box. I don't think a club or no club is really the issue here. I think the issue is that even if they have the club, what are we doing for students outside of the box and not just in the box of the club?

The Chair (Mr. Ernie Hardeman): Okay, thank you very much. That concludes the presentation. Thank you very much for coming in.

CENTRE FOR INQUIRY

The Chair (Mr. Ernie Hardeman): Our next delegation is the Centre for Inquiry.

Thank you very much. As with the previous delegations, you'll have 15 minutes to make your presentation. You can use any or all of the 15 minutes to make your presentation. If there is sufficient time left after the presentation, there will be questions, and they will come from the official opposition in this round. We also ask you that as you start your presentation in speaking, you introduce by name whoever is speaking so we in fact will know that for Hansard. They can record who's speaking. With that, the next 15 minutes are yours.

Mr. Kevin Smith: My name is Kevin Smith. I'm the chair of the board for the Centre for Inquiry. Thank you for the opportunity to present at this important committee.

I would like to introduce Greg Oliver, president of our sister organization, the Canadian Secular Alliance—

Mr. Greg Oliver: Hi.

Mr. Kevin Smith: —and Justin Trottier, the national communications director of the Centre for Inquiry. He'll be making a statement on behalf of the Centre for Inquiry. Justin?

Mr. Justin Trottier: Thank you, Kevin; thank you, Greg. I also want to thank the esteemed members of this committee for the time and opportunity to present today. We will prepare a submission and distribute it later today as per attempting to answer your questions and adding our responses into that submission along with my prepared remarks.

Both the Centre for Inquiry and the Canadian Secular Alliance are member organizations of the Ontario GSA Coalition, which is a network, as you probably know, of 13 organizations pushing for the constitutional right of students to form GSAs under their chosen name. We wholeheartedly endorse the Ontario GSA Coalition briefing paper to this committee, so we will not therefore repeat the thorough legal analysis contained therein, which in our opinion makes a watertight case for the absolute necessity of mandating the allowance of GSAs in publicly funded schools. We do recommend, though, that the bill tighten the currently ambiguous language in Bill 13 with respect to students' rights to name their club whatever they want.

1930

The Centre for Inquiry's broad mandate includes three areas of relevance here. First, we promote evidence-based decision-making. Second, we propose that fundamental freedoms and equality between all citizens be a priority. Third is the protection of our secular society.

The evidence is clear and compelling: Three quarters of LGBT students feel unsafe at school; 42% of LGBT youth have had thoughts of suicide at some time. I think we're all familiar with those and other statistics at this point, and no one disputes those or the need to fight bullying.

Instead, much of the debate seems to centre on the name "gay-straight alliance." Now, what's in a name? In this case, everything. Depriving students of the right to include the word "gay" in the name deprives them of an element of their identity, of who they are. It's another, more pernicious form of bullying, one in this case that has been systematically implemented by certain school boards and, if this bill fails to pass, that will then be passively supported by the government.

The attack isn't only on the name. Some Catholic schools forbid the rainbow symbol to be associated with whatever club ends up being created. The Orwellian intent is clearly to keep gay students in the closet and the student club focused on anything other than the one area urgently requiring attention.

The Centre for Inquiry also supports basic equality rights and fundamental freedoms; in particular, those enshrined in our charter. Even if there was not a shred of evidence that GSAs were necessary due to the statistics on bullying, our charter guarantees freedom of association and freedom of expression, especially in public institutions.

But both the public secular school system and the public Catholic school system are public institutions. In fact, only 8% of Catholic school funding comes from property taxes of Catholics; 92% comes instead from general government revenue. Now, given the fact—undisputed—that the per pupil cost to educate a Catholic student in a government-funded Catholic school is substantially higher than the cost to educate a non-Catholic secular student in a secular government-funded school, it is mathematically guaranteed that non-Catholics are funding Catholic schools.

In that sense, I respectfully submit that Catholic schools should be described as more publicly funded than even public schools, which brings me to our final point: The Centre for Inquiry stands for secularism; that is, church-state separation. As the Ontario GSA Coalition paper compellingly argues, the acceptance of public funds by an institution entails that that institution will not discriminate.

One of the repeated remarks we've heard by opponents of GSAs has been that Bill 13 unfairly singles out one group for protection, namely, LGBT students. Not only is that simply inaccurate, given that Bill 13 speaks to supporting gender equity, anti-racism and disability awareness groups too, but it is in fact a backwards

argument. It's the opponents of GSAs who unfairly single out one group for attention. Bill 13's explicit inclusion of GSAs is only necessary because certain Catholic school boards, supported by these anti-GSA activists, have chosen to oppose these, but only these, single-issue clubs.

In my public secular high school, for example, there were Christian clubs, Muslim clubs, and I was glad to start an astronomy club. These were all single-issue clubs among many others, and I don't recall any opposition to these single-issue clubs.

Bill 13's partial focus on GSAs is in fact made necessary because of the Constitution-violating precedent already set by a number of Catholic school boards which banned GSAs, and we know they will continue to do so if given any legal loophole.

I was at a Toronto Catholic District School Board meeting in which booing courageous gay students gave way to the TCDSB legal counsel reminding the trustees to stand tall, because when human rights contradict a denominational school privilege—and I use the word "privilege," not "rights" there—human rights must lose. It is this anti-gay agenda by Catholic school boards, and not some gay agenda by the gay and lesbian community, that requires and demands a GSA focus within Bill 13.

We've been circling around the real elephant in the room, which is publicly funded Catholic schools. Let's deal with that. This debate would hardly exist and GSAs would hardly be controversial if Catholic schools were in the equivalent position of every other religious school system in Ontario: privately funded.

The following remarks, I should say as a caveat, are those of the Centre for Inquiry and the Canadian Secular Alliance, not the Ontario GSA Coalition, which has no official position on the government funding of Catholic schools. But we do feel it's imperative to point out that legislation to mandate what should be plainly obvious, namely, a student's charter right to freedom of expression and freedom of association, is a band-aid solution. These problems of discrimination, violations of fundamental rights and equality, will crop up again and again so long as a system exists—the Catholic government-funded school system—in which the funding for the system comes from one source, the people and the government of Ontario, but accountability lies somewhere else, namely, with the Ontario Institute for Catholic Education and the Assembly of Catholic Bishops.

Today, it's GSAs; a couple of weeks ago, it was attempts to turn students into pro-life activists during class time; a few years ago, it was the banning of books written by atheists, God forbid; some years before that, it was Marc Hall being denied the right to bring his same-sex boyfriend to the prom. I could go on and on and on.

We realize this committee is in no position to take a stand on this particular issue of public funding of Catholic schools, that denominational privilege, but on the other hand, it would be farcical to deliberate on this particular matter without pointing out the inherent conflict. Other provinces, including Quebec, have defunded

Catholic schools. It's legally simple but politically difficult. It takes courage. But it isn't a wacky, marginal position. Actually, a CBC-commissioned poll—one of several polls on this—from 2007 found that of those who responded, whether they wanted to merge Catholic and secular public schools, two thirds responded favourably to that question.

The question as to whether Catholic schools should be required to support GSAs has been satisfactorily answered. The real question to us is whether Ontario should be required to continue to support Catholic schools. If we do, as history has shown, we will be in for a never-ending series of fights for equality and fundamental freedom which, in terms of time, money and focus, Ontario can ill afford. It's time to emulate the inspiring courage of the students fighting for GSAs and deal head-on and just as bravely with one of the basic problems of our educational system.

Thank you again. I think Greg had a couple of remarks that he wanted to add.

Mr. Greg Oliver: I just wanted to say, just to elaborate on what Justin said, clearly, I realize we're not addressing a specific issue right now, but it is related. The Catholic school system itself is a broken model. It provides public money but it doesn't attach the strings of public equity policy. I think in this case, with the GSAs specifically, there are no constitutional grounds to interfere in the students' rights to do what they want. The least we can do, as citizens of this province, is intervene to provide protection for these students. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you. That's the end of it. We have about a minute, a minute and a half left. The official opposition.

Ms. Lisa MacLeod: So you took your opportunity today, I guess, to support GSAs, but mostly, I guess, your message to MPPs is defunding the Catholic system.

Mr. Justin Trottier: Our message is dealing with a problem.

Ms. Lisa MacLeod: Which is?

Mr. Justin Trottier: GSAs are a symptom of a larger problem, and as I said, there are lots of examples of other symptoms: banning of books written by atheists, turning students into pro-life activists but suspending students who dare to write "pro-choice" on their clothing. We know that some of these boards have removed, generally quietly and discretely, lesbian and gay teachers. There are lots of problems that crop up, and a fundamental issue is the inconsistency; it's the conflict that's created. This is a great example of that conflict. We would be remiss, as secularists, not to point it out, which we think is quite obvious. You have a conflict. You have the funding for the system coming from one source, and the accountability, whether actual or perceived, going somewhere else. This is an obvious conflict—

Ms. Lisa MacLeod: Just quickly: You were a member of the astronomy club. Is that what you said?

Mr. Justin Trottier: I was one of the founders of my astronomy club in high school, yes.

Ms. Lisa MacLeod: Did you need that legislated?

Mr. Justin Trottier: Well, nobody was trying to ban the astronomy club, though.

Ms. Lisa MacLeod: No one is trying to ban student clubs.

Mr. Justin Trottier: They are banning GSAs, with respect. They have done that, actually.

The Chair (Mr. Ernie Hardeman): Okay, that does conclude the—

Ms. Lisa MacLeod: Don't you think that children should have the right to choose the group?

Mr. Justin Trottier: Of course they should. We're saying where students want to have GSAs, they get to call them that.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

1940

MR. JOHN G. GOTS

The Chair (Mr. Ernie Hardeman): Our next presentation is John Gots. Thank you very much for coming in. As you're finding your seat, the directions are the same as for the previous ones. I notice that you've been sitting in the audience patiently awaiting your opportunity to speak. We very much appreciate your perseverance.

You will have 15 minutes to make your presentation, and you can use all or part of that. If there's any time left at the end of your presentation, we will turn it over for questions, and the questions this time will be to the third party. I would just add that if you could, as you start to speak, tell Hansard your name to make sure that the record has that clear. With that, the next 15 minutes are yours.

Mr. John G. Gots: Thank you, Mr. Chairman and all MPPs. My name is John G. Gots. I am an engineer, and my wife, Barra, is a retired fisheries biologist. We have dedicated a good portion of our lives to raising our two children, from conception to completion of their university education, until they were able to live independently. We paid our education taxes and tuition, along with all the other taxes and fees, and lived through the "he said, she said" and name-calling episodes, as well as the "she made faces at me" and "he pushed me" sibling rivalries.

It did not occur to us to call 911 or start human rights or other legal proceedings against either of our children when they acted up, nor did we keep a record of their offences, like the present bills seem to advocate. But we loved them both and they were aware of the home rules and its requirements.

The financial burdens of raising a family are significant for young people. A child born today is expected to have family expenses, up to age 18, of around \$200,000. These expenses grow rapidly during post-secondary education and continue until they establish themselves with a job after graduation, which covers their living costs and debts.

We support our children as best we can. We love them unconditionally, without strings attached, as they grow with confident hope into mature citizens enjoying their

rights and freedoms. Unfortunately, when it comes to public funding for education, our secular governments and institutions are much more selfish. They use the excuse of public funding to interfere and diminish our personal parental and religious rights and constitutional rights.

Mothers and fathers provide their fair share of public funding and the next generation of life to support society. Parents do so at considerable extra additional personal cost and thousands of hours a year of unpaid work for their children. The state should not work against mother and father. The threat by the Premier to re-educate parents to his liking by his education Bill 13 is counter-productive and chilling.

We strongly support those elements of Bills 13, 14 and 80 which serve as guidelines for controlling intimidation and promoting civility and good manners in the school system among students. I used the word "intimidation" and not "bullying" because bullying is a sexist term that is negatively impacting on males. We are not using the word "cowering" anywhere in this discussion, which would be very objectionable to the ladies, I'm sure. So let's stick to intimidation.

Children in school should not coerce, demean, haze, pursue, stalk or physically fight one another. School teachers and principals used to be responsible to ensure discipline during school hours and on school property. Educators should be encouraged to uphold civility and teach their students enduring values. Unlike the Ministry of Education or the Legislature, they are in direct contact and engage with the child during school hours, day after day. Teaching staff should have the support of their boards and principals to maintain discipline. Most fathers and mothers want their own social and religious traditions, beliefs and faith transmitted to their children. They want to be shielded from laws, rules, regulations and practices that undermine or disregard the rights of parents as primary educators.

It is recognized that we live in a sex society, where the media is the message and porn is promoted 24-7, where commerce, politics and all human activity tends to be sexualized. Having lived through the sexual revolution, we have some understanding and perspective of how the present state of sexual politics has developed and its unintended consequences.

Bill 13 mandates indoctrination and legislation, seeking special educational, social and human rights based on minority sexual attractions, orientations or practices, from age four, kindergarten, to senior high school. Bill 13 promotes minority lesbian, gay, bisexual, transgendered, transsexual, two-spirited, intersexed, queer, questioning and other self-identified sexuality clubs. However, it is blocking and excludes clubs that represent a heterosexual view.

The Education Act should uphold truth and evidence-based reality rather than discard it. To brand mothers and fathers who sustain the human life cycle as homophobic is offensive and wrong. It is also undemocratic and un-

fair. How did the school system get into sexualized training from reading, writing and arithmetic?

The proposed gay-straight alliances and other sexualized elements of the education bills being considered by this hearing and others were originally developed by Mr. Kevin Jennings, who was, and is, a strong advocate of gay and lesbian rights, and initiated what became GLSEN, the Gay, Lesbian and Straight Education Network in the United States. He was also the author of the landmark 1993 education report to the Massachusetts Governor's Commission on Gay and Lesbian Youth. It was titled *Making Schools Safe for Gay and Lesbian Youth: Breaking the Silence in Schools and in Families*. It was the basis of the safe schools programs of Massachusetts and has been strongly promoted, both in the US and internationally, by the gay-lesbian movement, which at that time, around 1993, were the only real movements that were supported by the boards.

This movement later, in increments, was expanded by additional sexual attractions and practices as the BTTTIQQ, who were seeking special legal privileges. In my opinion, the list of protected sexual practice rights will increase as time progresses, with such potential additional rights as cybersex, sexting, AFSR, or alternate sex fetish robots, technosexuality and so on. How schools will perform scholastically by satisfying such wide-ranging forms of sexuality and sexualization in our education system is difficult to predict. It is likely to have unforeseen circumstances and consequences for students, schools and families.

Jennings was also safe schools czar for Mr. Obama from 2009 to 2011. He led the anti-bullying initiative of the Obama administration. His Gay, Lesbian and Straight Education Network, GLSEN, has published a widely distributed manual called the GLSEN Jump-Start Guide for Gay-Straight Alliances, which the present Bill 13 and other similar bills seem to follow closely and can be seen at the Web.

In Ontario, we have an indication of how the LGBTQ training in schools is likely to be done. It is outlined by Jer's Vision, Canada's youth diversity initiative, which developed the LGBTQ curriculum resource from kindergarten to grade 8 for the Ontario curriculum and program expectations. They appear to share much with the GLSEN direction and process. These are outlined in Jer's Vision on the Web.

After having a quick look at it, my question is: Why is the LGBTQ minority's sexuality promoted by Bill 13 to students from kindergarten to senior high school, while at the same time the majority's position is questioned and agitated against in silence?

1950

Are children in school going to be groomed into alternate lifestyles and sexuality by the education system? I'm sure that is not the stated Education Act amendment purpose, but will it be its consequence?

There was an article that was on LifeSiteNews. "The Real Agenda Behind Gay Anti-Bullying Clubs in Your School" was the title of it. The article quotes and refers to

the operational strategy of Mr. Jennings and GLSEN. To quote, “‘If the radical right can succeed in portraying us as preying on children, we will lose,’ warned Jennings in a 1995 speech to fellow GLBT activists, outlining his strategy. ‘Their language—“promoting homosexuality”—is laced with subtle and not-so-subtle innuendo that we are “after their kids.”’

“Jennings argued that the key to success lay in ‘framing’ the issue in another way, to the advantage of the GLBT cause.

“The strategy consists in linking the GLBT cause to ‘universal values’ that everyone in the community has in common, such as ‘safety.’ One then builds on this universal value the idea that ‘homophobia’ represents a ‘threat’ to students’ safety since it creates a ‘climate where violence, name-calling, health problems, and suicide are common.’ From this point, one simply promotes legislation and programs for schools that frames the GLBT agenda in the language of these universal values....

“If anyone objected to the homosexual and transgender indoctrination that the activists planned to push in the schools, they would be accused of heartless disregard for students....

“The final goal of the campaign, according to Jennings, is that one day, when ‘straight people’ hear that someone is ‘promoting homosexuality,’ he would say ‘Yeah, who cares?’ because they wouldn’t necessarily equate homosexuality with something bad that you would not want to promote.”

The stumbling blocks of this campaign strategy, of course, are parents of faith who are not indifferent—

The Chair (Mr. Ernie Hardeman): You have one minute left.

Mr. John G. Gots: —those who care what sexual ethics and morals the education system promotes to their children. In the case of the separate school system, Roman Catholics are supposed to have constitutional, guaranteed rights to teach and promote the teachings of the Catholic church. The Constitution-guaranteed rights of the separate school system are threatened by proponents of Bill 13—similarly, the rights and freedoms of mothers and fathers of many other faiths who support schools promoting their faith.

We feel that the bill will generate much further opposition and court action if implemented with its sexual biases against heterosexuals. We are an integral part of the human life cycle, and the more than seven billion humans on earth are here because opposite-sex couples became mothers and fathers, and most sustained their children until adulthood. Let the bills control intimidation of fellow students. Have bills that promote civility and good manners in the school system without sexualization or attacking the faith and religious rights of children and their families. Teachers and principals should be carrying out this task—

The Chair (Mr. Ernie Hardeman): I think we’ll have to—

Mr. John G. Gots: —with truth and sensitivity towards all those in their care. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We hate to cut you off, but the 15 minutes has disappeared.

Mr. John G. Gots: I’m sorry. I’m a slow reader.

The Chair (Mr. Ernie Hardeman): No, that’s just fine. My job is to make sure that we try and keep it on time. I haven’t done so well today.

Anyway, thank you very much for your presentation. That part which you didn’t quite get finished, the committee has all that, and they will read it to make sure it’s there.

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Chair (Mr. Ernie Hardeman): Our next delegation is the Office of the Provincial Advocate for Children and Youth—not only the next, but the last for the day. We thank you very much for coming in. As with all the other delegations today, you will have 15 minutes to make your presentation. You can use any or all of that time. If you don’t use all the time, questions will come from the third party, as we go in rotation. We would ask you, before you make your presentation, to put your name on the record through the mike. From there, we will proceed on. The floor is yours for the next 15 minutes.

Mr. Irwin Elman: My name is Irwin Elman. I’m the Provincial Advocate for Children and Youth. Thank you for having us here, and for the hard work that you’re undertaking. I commend the committee members, from all sides, for the work you’re doing. I feel I have a sense of why you’re doing it and the motivations behind this, and for that reason I’m fully aware that I’m not the only child advocate in this room. I wanted to say that.

I’m here with O’Neil, who is a young person involved with our office, who wished to share his views on bullying and the proposed legislation before the committee. We’ll share our time, and we’ll be making a written statement as well.

I entered this discussion on bullying thinking about safe space. Safe space is crucial to the young people in my mandate. I’m thinking about group homes, foster homes, places of custody and, yes, schools, including special section classrooms. In fact, in preparing for what we wanted to say to you and meeting with young people from across the province, they reminded me that for many of them, school is a refuge; that some have found that one person, that place of safety in the midst of incredible struggles, at school, in the teachers, in their classmates, in that building. They’ve also reminded me that when one person is unsafe, actually everybody is unsafe. They spoke about bullying being able to be viewed as a mental health issue for both the bully and for those who are bullied.

I thought to myself, listening to them and some of the other things that they were talking about—after-school

programs, mental health services—that the issue and strategy around bullying is a perfect opportunity to work horizontally in government across ministries; even within ministries, across sectors in ministries. They talked about—and youth actually knew this—funding for mental health services from the Ministry of Community and Social Services. They knew after-school programs could exist, and that was from what was formerly the Ministry of Health Promotion, now part of health, and that this is a chance to do things differently, as has been talked about even in the Ministry of Education, where there's a myriad of departments, to create a strategy across ministries and sectors.

For me, safe space is about meaningful participation of students. I think that participation of students is a key to safe space in schools; it's a key to safe space anywhere and anything we do with children and young people.

I remember one girl who said, "Do not think that you can move to participation of students without adults being involved and setting the stage for that. That won't happen until adults take their responsibility." Meaningful participation is a partnership between adults and young people.

I remember this one girl crying—and I know you must have heard these stories. She was talking about being bullied, a humbling story. She said, "If a teacher had intervened, had gotten to know me well enough that they had intervened before the bullying became intense—or gotten to know the bully, for that matter, before. That was the key. I wish somebody had noticed me or had noticed the bully earlier on." The relationships that we need in those schools, between teachers and students, are what's key to stopping the bullying that she felt was going on. I remember how profound I thought her statement was—simple but profound, but it's what young people tend to come up with. She talked about—and this is probably another topic for another day—the need for training of teachers, the need for more time for teachers to actually get to know their students. That was something that was very important to her. It's true in our homes—the relationships we have with our children are crucial—and it's true in our schools.

2000

There's an opportunity in the legislation, though, that you are crafting to encourage meaningful participation. I think that youth groups initiated by students should be encouraged and supported in all forms. This, of course, should be guided by Ontario human rights legislation. Some of you have suggested to me that this support should be or might be proactive by school officials, identifying leadership qualities even in those students who seem to pose a challenge to the school and encouraging them to join and start their own groups—or young people, children with special needs, encouraging them to start their own groups or participate in them.

I know there's some language in the legislation about reviewing the effectiveness of the legislation. You've suggested to me that while surveys are one way to gain feedback from young people, they really want to have

meaningful dialogue with adults. They said to tell you, "Talk to us. Talk to us and listen to us."

The creation of this legislation in some ways is uncharted territory. I would suggest adding a clause to any legislation that's created that would see this committee review the legislation every year for at least three years. The committee should receive a report from the Ministry of Ed that's created about the effectiveness, and discuss it.

We have witnessed this week how enriching the voice of young people can be in the work of the Legislature. I believe the review of the legislation by this committee could involve a process engaging students across this province about its effects and its effectiveness. We would be pleased to assist in any design of that process. That idea of reviewing legislation—because I know your intent; I know where your heart is—may allow you to find the way in which you can craft legislation at this point in time for the province.

I would encourage a strength-based approach to thinking about the issue. The glass is actually half full when we think about our students. Young people have said that they want those who bully to be held responsible for their actions, but they also want me to remember that bullying happens for a reason and that restorative justice approaches to the issue can be particularly helpful.

I want to say one last thing before O'Neil talks, and that's that I have been, Mr. Chair, personally to your riding several times. I think you know that. I've been to a town called Ingersoll more than once, and I go to Ingersoll—it's one of Ontario's few designated youth-friendly cities—to visit this place called the Fusion Youth Centre. It's an amazing safe space for young people—amazing. I have gone to nourish myself, to see what is possible. I said to the young people and the staff there, "How, in Ingersoll, does this exist where it doesn't exist in so many other places in the province?" I was told that some years ago, young people there said that they wanted a youth centre. They brought the city officials together, and you, Mr. Chairperson, and said, "We want this." Basically, their story is that you didn't know how to do that, but you said, "I support you. Go ahead and do that." I think that was a remarkable achievement when you saw what those young people and adults in Ingersoll did.

I say that because I believe that the deliberations of this committee are in good hands. I think with that kind of spirit, you'll be able to craft legislation that will enrich our schools and support our students.

Mr. O'Neil Allen: Hi. My name is O'Neil Allen. I'm 22 years old. I'm not only here to be on the side of the person who has been bullied, but I've also been a bully myself. I believe this bill needs to have supports to protect the victims and healing and scarring of those people, but as well, protect the bullies themselves, because they could be victims in their own right through abuse at home or mental health or even learning disabilities. That could be different reasons why they bully themselves.

Some of the ways we think we can help the bullies and victims is by maybe not suspending these kids, because sometimes when you suspend these bullies, they go home to more violent situations, or they get bullied themselves by their parents. So maybe going home with suspension is not good; maybe more learning experience in the school with a consequential background with it, but also a learning experience so we can stop the bullies bullying themselves and maybe become regular students in the school as well.

I also believe that the language for this bill, when created, should be distributed from all grade levels and taught. Make a way so kids can understand the bill from kindergarten to middle school to high school and through the age of whatever thing it teaches them, through the bullying week or whatever awareness, that each level or group knows and understands bullying and why not to do it, why not to be a bully and whatnot.

I think there needs to be training with the teachers, more of a social aspect—like teaching them how kids can sense a bully or who's being a victim and who's a bully, and if you sense a bully in your classroom or in your school, how to take that person aside and maybe help them. Why are they bullying? What's happening at home?

More school-community outreach: Because there's not that much in our school system right now where the parents and the school are disconnected, when there should be more of a community base since all your kids are going to one school and to one middle school and one high school. Why isn't there a connection of outsources through all so that the kids' experiences through all schools in the area are like one, connected like a family, instead of kids being picked on or whatnot?

I think that's about it. I think that's it, yes.

Ms. Lisa MacLeod: Great job.

Mr. O'Neil Allen: Thanks. I'm shaking here.

The Chair (Mr. Ernie Hardeman): That's your presentation?

Mr. O'Neil Allen: That's all I have to say.

Mr. Irwin Elwin: Yes. Thank you.

The Chair (Mr. Ernie Hardeman): Very good. We do have about two and a half minutes left, so—

Ms. Lisa MacLeod: Mr. Chair, may I seek unanimous consent for each party to be able to at least make one comment to our presenters today?

The Chair (Mr. Ernie Hardeman): Okay. We'll ask for unanimous consent after we have the time from the third party, who are entitled to this questioning.

Mr. Peter Tabuns: Thank you very much, Chair. I'd like to thank both of you for being here. I'd like to thank you in particular for presenting this evening. It has been a long haul, so thank you for hanging in right to the end.

Do you see the provision of resources for those bullies to be really critical to turning them around in school?

Mr. O'Neil Allen: I think the way bullying is seen now, it really demonizes the kid, the individual who is being the perpetrator or the bully—seeing them in a negative context, when that person could be a victim in

their own right, but the teacher or the system doesn't see them as a victim but only as the perpetrator of the bullying, and only the victim is the one who's hurting when possibly the bully could be a victim themselves.

I think instead of seeing bullying as this person is doing this to this person, we need to look at both persons, because you might see one victim and there might be two victims in the room, and we just don't know it.

Mr. Peter Tabuns: Thank you. I appreciate that.

The Chair (Mr. Ernie Hardeman): Did we have unanimous consent? Did you want to make just a comment to the delegation? This is the last delegation of the hearings here in Toronto, so we'll take special exception. Before we go today, we'll have the government side. We'll just have them wait a minute.

I thank you for your kind comments about the Fusion centre. I have coffee across the road from it just about every day that I'm home, so thank you very much.

Mr. Flynn:

Mr. Kevin Daniel Flynn: Thank you, Mr. Chair, and thank you, Irwin, for coming today. You know this place as well as anybody. Issues can tend to become very politicized very, very quickly. I think your attempts at the start of your presentation to remind us that we're all here for the same reason resonated with me certainly, anyway, and I hope with some of my colleagues on my side and on the other side.

O'Neil, you told us a little bit about what you think, but you seem to have some intimate knowledge of this. You didn't tell us much about yourself. Is there anything? How did you come to these realizations?

Mr. O'Neil Allen: Well, as a young man—as a young kid—basically, I was taken from my family at a young age. I was put into the care of the CAS, and I started bullying because I was in a group home area, and it was a very gangster mentality. It was more survival, who survives—the weakest, you know. So you go to school with that mentality, and you go home, inside that home, every day and have to be a soldier. When you go to school, you're going to be a soldier. So sometimes I would bully, not because I'm a bully but because that's my mind state. If I exit out of that mind state, when I go home, I'm going to be bullied myself.

Then I went to high school, where my size became a weakness, so I'd be called "fat kid." So I went from being the bully, the big guy in middle school—you know what I'm saying?—who bullies kids sometimes to being called fat and hiding in the library. I was reading books because I didn't want to be in whatever high school lunchroom, because they would all call me fat if I ate my lunch in front of them or whatever.

So it went from me being a very powerful person in middle school to me being a weakling, and then I understand both sides. When I was a bully, I understood how people and the teachers were ignorant. They were always suspending me and always saying, "You're bad, you're bad, you're bad." Then, when I was being bullied, I'd also see the teachers ignoring the problem and not being able to see the steps of me being bullied: sort of trapped

into the library, to skipping school, to getting expelled for not even going to school no more. You know what I'm saying? There are both sides.

I can see how easy it is to see the victim, but it is also harder to see that bully who is in the school bullying. You don't know what's happening in his home. You don't know what he's going back to. You don't know what depression he's dealing with or if he's being molested or anything. You don't know. All you see is a kid that's bad, and sometimes we need to stop saying "bad, bad, bad," because at the same time, we're bad as a society for not doing a good job by raising these kids with their parents or whatnot. You know what I'm saying? It's just a cycle that's going round and round, and that's all.

The Chair (Mr. Ernie Hardeman): Okay. You have a comment?

Ms. Lisa MacLeod: Yes, just simply thank you very much, Chair, and to my fellow committee colleagues.

First, to Irwin, I was on the committee with Andrea Horwath and the former MPP for Ajax-Pickering, Wayne Arthurs, when we hired this man. We're very, very proud. You've done us very well. It's not common to have an officer of the Legislature appear before committee on a bill. It doesn't happen every day, but when it does, we certainly appreciate your views. I thought it was very important that you brought some of our most disadvantaged youth in Ontario into this discussion.

To O'Neil, thank you very much. You're the first bully who we've seen in the past four days, and for the people behind you, the problem is, this young man has the biggest smile of anybody here, and it's awfully hard to believe that he ever would have been one. But I thank you for bringing that to our table today as part of our discussion. It is something that we're all contemplating: rehabilitation of the bully. We are talking about restorative justice, and we do know that we have to get this right. So I want to say thank you for your courage here today. You did a great job.

Mr. O'Neil Allen: Thank you for having me, guys.

Ms. Lisa MacLeod: And you have a wonderful mentor who is beside you, and I can't say enough about our independent child advocate here in Ontario, so thank you very much.

The Chair (Mr. Ernie Hardeman): Does the third party have anything they wish to add? They have another turn.

On behalf of all of us, thank you very much. I also want to say thank you, on behalf of all the committee, to the members of the audience who have faithfully sat through the hearings most of today and some even before today. Thank you very much for all your input. We very much appreciate it, and we look forward to coming up with the best possible result we can at the end of these hearings.

The committee stands adjourned.

The committee adjourned at 2012.

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CONTENTS

Tuesday 15 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten.....	SP-129
Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-129
Ontario Public School Boards' Association.....	SP-129
Ms. Catherine Fife	
Ms. Gillian Lea	SP-131
Ontario Catholic School Trustees' Association	SP-134
Ms. Nancy Kirby	
Ontario Human Rights Commission	SP-136
Ms. Barbara Hall	
Mr. David Blair	SP-138
Catch the Fire—Airport campus	SP-140
Mr. John Bootsma	
Ms. Aquila Bootsma	
Egale Canada.....	SP-142
Ms. Helen Kennedy	
Rev. Brent Hawkes	
Family Coalition Party, Northern Ontario.....	SP-145
Ms. Jane Djivre	
Toronto Catholic District School Board, Ward 7, Scarborough/North York.....	SP-147
Mr. John Del Grande	
Elementary Teachers' Federation of Ontario	SP-149
Ms. Susan Swackhammer	
Catholic Civil Rights League	SP-150
Ms. Joanne McGarry	
Mr. Philip Horgan	
Family Coalition Party of Ontario.....	SP-152
Mr. Eric Ames	
Ms. Devon MacPherson	
Centre for Inquiry.....	SP-155
Mr. Kevin Smith	
Mr. Greg Oliver	
Mr. Justin Trottier	
Mr. John G. Gots.....	SP-157
Office of the Provincial Advocate for Children and Youth	SP-159
Mr. Irwin Elman	
Mr. O'Neil Allen	

SP-9



SP-9

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Official Report of Debates (Hansard)

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Mardi 22 mai 2012

Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 22 May 2012

Mardi 22 mai 2012

The committee met at 0900 in the Ottawa Marriott Hotel, Ottawa.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): Good morning. We will call to order the committee on social justice—

Mr. Bob Delaney: Policy.

The Chair (Mr. Ernie Hardeman): Oh, my apologies. Social policy. We are here this morning to have presentations on Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.

Our first delegation here in Ottawa this morning—and it was very nice and starting so nice yesterday, coming to Ottawa and thinking how bad it's going to be to have to be inside this morning to have these public hearings. Then all of a sudden it's raining, so it's a great day to be here to have the hearings.

Ms. Lisa MacLeod: Chair, if I just may, before we welcome our first deputation, I'd like to welcome to the city of Ottawa all of my colleagues who have been on this committee for the past couple of weeks, studying

Bills 13 and 14 and attending public hearings. It's great to host you all today.

This is a very important bill. Today, we'll hear from a number of people who have been affected by bullying and who are trying to do things about it.

I'd like to make special mention of David Millen, who is unable to be here today. As my colleague from Ottawa Centre will know, he is a very effective child advocate in our city, as well as an anti-bullying expert. He was unable to get in to appear at committee today, so when his presentation does come out, I'd ask my colleagues to review his words. I think they're effective. He's started a lot of outreach with former CTV News host Max Keeping.

In addition to that, I just might say this, Mr. Chair: When we had decided on and we had negotiated to come to the city of Ottawa, I think it was everyone's intention that we would have bona fide members of the Ottawa public attend these hearings. That didn't quite turn out that way, and I just wanted to publicly express my disappointment. I'm happy to have all of the members who are here today from the public with a deputation. However, there were substantial folks in our community who would have liked to have had their say and, given the process, were unable to do so. So I just wanted that publicly on the record.

And of course, I want to say thank you to all of those who are coming today, and welcome my colleagues from Toronto and elsewhere to the great city of Ottawa. Thank you.

COALITION FOR PARENTAL
RIGHTS IN EDUCATION

The Chair (Mr. Ernie Hardeman): Thank you very much for those comments.

Now we will start with the deputation. Our first deputation is the Coalition for Parental Rights in Education. I believe they're already at the table. You will be allotted 15 minutes to make your presentation. You can use any or all of that in your presentation. If there's time left, we'll have questions from the committee, maybe for clarification or some comments about your presentation. If there's no time left—obviously it is all your time, but if there are questions, we'll start with the third party.

With that, we turn the floor over to you. What do they say? Say your piece.

Mr. Albertos Polizogopoulos: Good morning. My name is Albertos Polizogopoulos. As the Chair indicated, I'm here on behalf of the Coalition for Parental Rights in Education, and I'll refer to them simply as "the coalition."

I first want to thank you for the opportunity to be here today. The coalition is composed of five provincial organizations and associations, and those are, first, Campaign Life Catholics; secondly, the League of Canadian Reformed School Societies; third, Parents as First Educators; fourth, Public Education Advocates for Christian Equity; and then fifth and finally, the Association for Reformed Political Action.

Beside me is my colleague André Schutten, who's legal counsel to the Association for Reformed Political Action.

I'm not here today as a member of any of the coalition members. Rather, I'm here as legal counsel to the coalition itself. In fact, I understand that some of the members of the coalition have appeared before this committee and made presentations, so I just want to set out what my purpose and goal are here today.

I'm a lawyer practising in the field of litigation, and my speciality is constitutional litigation. So the coalition has asked me to prepare submissions on Bill 13 in that respect and in that capacity.

The purpose of my presentation, as well as my written submissions which have been handed out, is not to challenge Bill 13 but, rather, to assist this learned committee in producing a version of Bill 13 which advances the goal of preventing bullying in all Ontario schools while reducing the likelihood that the province will face years of taxpayer-funded litigation as a result of Bill 13.

The coalition believes that no child should be bullied for any reason and supports any effort to reduce or eliminate bullying in Ontario schools. I appreciate that my time here is limited, as the Chair indicated, and I do want to leave some time for questions, so my task becomes rather difficult because, as you've seen, my submissions are quite lengthy. They're just shy of 20 pages and they do include several attachments and references. I do encourage you to take a look at those submissions.

What they are essentially is a legal opinion on the constitutionality of Bill 13. They identify six potential sections of Bill 13 which are problematic from a constitutional point of view. The general format of the written submissions is, first, the identification of the problematic section; secondly, an explanation of the concern over that section; third, a brief overview of the relevant law; and then, fourth and finally, a proposed amendment.

Attached to schedule B of the written submissions is a version of Bill 13 which reflects the proposed amendments.

What I'm going to do now is attempt to very quickly and briefly set out the sections that the coalition finds to be constitutionally problematic and which will eventually lead to years of taxpayer-funded litigation.

First is the preamble. The fifth paragraph of the preamble singles out one group of children who identify

as members of the LGBTTIQ community. As previously stated, the coalition believes that any form of bullying is reprehensible and it holds that the province legislating preferential concern of one group over another is also problematic in practice, in policy and in law. Such preferential treatment violates section 15 of the charter and potentially violates sections 2(a) and 2(b) of the charter. The coalition proposes that by simply removing the words "including LGBTTIQ people," the special status and priority protection of one group over the others is eliminated, thereby making Bill 13 equally protective of all groups and all individuals and therefore more inclusive.

On a similar note, paragraph 6 of the preamble states that everyone has a role to play in preventing incidents based on homophobia. The term "homophobia" is also used in articles 4.2 and 7(3) of Bill 13, and it's problematic because it has yet to be jurisprudentially or legislatively defined. It's a subjective term and it's a controversial term, and it should therefore be removed.

Secondly is section 1, which deals with the definition of bullying. The definition of bullying found in Bill 13 is very subjective and it is its subjective nature which is problematic, because any type of behaviour could be found to fit that definition. The definition in Bill 13 removes intent as a necessary component of the act, which is irregular and contrary to most forms of legislation, including criminal legislation.

Another difficulty with the definition is the question of who will be the subjective arbiter of what behaviour meets that criteria and is or is not bullying. Again, this is too subjective to be properly interpreted and applied. As a proposed amendment, the coalition proposes that this committee replace the definition of bullying in Bill 13 with the definition found in Bill 14, which accomplishes the goal of setting a clear and intelligible definition of bullying without the difficulties associated with the wording in Bill 13.

Thirdly is section 2, which deals with equity policies. This section gives the Minister of Education authority to require and direct all school boards to implement changes to their respective equity policies. This section is redundant. Public policy memorandums 119 and 144 already require all school boards in Ontario to prepare and implement equity policies.

Effective equity policies are specifically tailored to the unique and distinct makeup of the students of each school, and the development of the equity policy must remain the responsibility of the individual school boards, who possess the facts and the knowledge required to properly address the issues faced by the student body of their respective districts.

In addition, with Ontario's separate school board system we have to give consideration to the denominational rights of Catholic school boards. Ontario students have a legal right to a taxpayer-funded education that is either non-religious or Catholic, but nobody has the right to insist that Catholic schools and Catholic policies become non-religious or non-Catholic.

The coalition proposes that by removing section 2, this learned committee would accomplish the goal of ensur-

ing that each school board maintains an equity policy, because it is already mandated by PPM 119 and 144, while ensuring that the school boards have the ability to develop an equity policy which is designed to reflect and address the issues faced by their respective student bodies. Additionally, this committee would ensure that the denominational rights enshrined by the Constitution Act of the Catholic school boards are respected.

Fourthly are sections 7(1) and 7(2) of the bill, which deal with third party use of schools. These sections require school boards who rent school facilities to school boards to include an agreement requiring the third party to adhere to the provincial code of conduct. The bill, in a different section, also amends the provincial code of conduct to reflect the definition of bullying as found in the bill. Many faith-based groups, political organizations and churches rely on the use of school-rented facilities to host meetings and worship. These sections have the potential in their effect of preventing these faith-based groups, political organizations and churches from continuing to do so. These sections have the potential effect of violating section 15 of the charter as well as the freedom of religion of these faith-based schools and churches, and potentially even their freedom of assembly. By removing these sections, the bill's constitutionality could be preserved and the purpose of the bill not compromised. This section does not address bullying. It has no place in anti-bullying legislation.

Fifthly is section 9, which deals with board-endorsed clubs. This section of Bill 13 singles out four specific types of activities or organizations but it fails to address many other potential activities or organizations which could and would be beneficial. Section 9 fails to consider the existence of other occurrences of bullying which happen statistically at a much higher frequency than the bullying on the basis of the characteristics set out in section 9.

0910

The most controversial of this section has been the mandating of GSAs in all schools. By mandating GSAs in all schools, this section violates the freedom of religion, conscience and association, potentially even freedom-of-expression rights, of many students, parents and teachers.

It is also a clear and direct violation and infringement on the constitutionally guaranteed denominational rights of Catholic school boards. Any interference with the denominational rights or religious autonomy of Catholic school boards would be a clear violation of section 93(1) of the Constitution, as well as section 257.52 of the Education Act and potentially section 29 of the charter. The coalition proposes that section 9 of Bill 13 should either be removed or amended to include all groups who are bullied at a much higher frequency.

Sixth, and finally, is the issue of private schools. Bill 13 makes no reference to private schools, and there does remain some uncertainty as to whether or not Bill 13 will apply to private schools. This committee can alleviate any concern or ambiguity by simply specifying in the

preamble of Bill 13 that it is not intended to affect the ability of private schools to determine their operations, their management or their curricula.

To summarize, Bill 13 does contain a number of provisions which are likely to be challenged on a constitutional ground. Its main problem is the preferential status it gives to one specific group, to the potential detriment of other groups. By removing the preferential status of that one group, Bill 13 avoids most of its potential constitutional challenges, becomes more inclusive and continues to address the problem of bullying for all reasons.

So those are my submissions, of course, subject to the written submissions before you, and I'd be happy to entertain any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about four minutes left, so the questions are for the third party. Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Chair, and, sir, thank you for coming down this morning and making your presentation.

Do you see that in the section that provides for clubs to deal with racism and sexism, to deal with attacks on the disabled and against gay kids, that there is an exclusion for other clubs from being formed?

Mr. Albertos Polizogopoulos: Well, I don't see in Bill 13 a prohibition from other clubs being formed, but it's the fact that the bill specifies four groups and mandates those clubs, I guess we can say, while not mandating the others. So what it does, its effect—maybe it's not its intent and maybe it's an unintended consequence, but the effect of the mandating of four specific groups and not the others is that it gives preferential treatment or priority status to those groups, to the potential detriment of the others.

Mr. Peter Tabuns: Here in Ontario, with the Ontario Human Rights Commission and the Human Rights Code, we specify groups that tend to, more often than others, be subjected to negative treatment, and I'd argue that similarly in Bill 13, we specify groups, just as we define under the Human Rights Code, people who tend more often than not to be treated unfairly. Do you see no analogy between the two?

Mr. Albertos Polizogopoulos: What I see is that Bill 13 in this particular section creates four groups, but the largest reason for bullying is body image, and yet there's no group to promote awareness of people who differ in terms of body image.

To address the issue of the Human Rights Code, the Human Rights Code, as does the Education Act, and by reference, Bill 13, must conform to the charter. That's what it really comes down to. The Human Rights Code is a provincial statute, and it is an important piece of legislation, but it's subject to the charter, as is Bill 13. What I'm getting at is, I see a potential challenge on constitutional grounds, on charter grounds, where certain sections of Bill 13 will either be struck or read in, and what I'm suggesting today is that rather than put forward

a piece of legislation which will, or may, result in years of litigation to ultimately see it refined and amended, we can do that today and avoid years and years of headaches, years and years of charter violations and years and years of taxpayer-funded litigation.

Mr. Peter Tabuns: Referring to the charter and fundamental rights, do you see that in Bill 13 there is a provision in fact for students to exercise freedom of assembly in their schools under a name that reflects their reality and their difficulties in this society?

Mr. Albertos Polizogopoulos: And that's great, and nobody, at least not with the coalition, is denying that there is value to associating with people of like minds.

With this particular section, the issue becomes problematic from a Catholic denominational rights point of view, and you'll see in the written submissions the Catholic religion has certain teachings on sexuality, has certain teachings on marriage, and there are certain activities and certain behaviours which violate those beliefs. What Bill 13 does, in effect, is it forces the Catholic school boards to act in violation and in contradiction to their sincerely held religious beliefs.

What I'm saying is, that's a violation of their freedom of religion, that's a violation of their freedom of conscience and that's a violation of their denominational rights under the Constitution. Case law has shown, and the case law is referenced in the written submissions, that such violations usually do not stand and the courts usually do not uphold legislation which has the effect of violating those types of rights.

What I'm proposing is, rather than having a specific group which may or may not violate the religious beliefs of the Catholic school board, mandate all groups or take away certain specific groups that are mandated.

The Ontario Catholic trustees put forward a document in January entitled Respecting Difference, and the coalition does endorse that document. What that document essentially proposes is that, rather than having a specific group with a specific name, Catholic schools institute clubs that respect the differences of individuals. Now those differences could be on sexual grounds, racial grounds, ethnic grounds or religious grounds. But what I'm suggesting here is that it's important that we recognize that Ontario is a very multicultural, multi-ethnic, multi-faith society.

The coalition is certainly in favour of promoting tolerance, but they're not in favour of compelling it, and I submit that that's what the particular section that we're discussing now does.

Mr. Peter Tabuns: Just out of—

The Chair (Mr. Ernie Hardeman): That's all the time we have. Thank you very much for coming in and making your presentation this morning.

Mr. Albertos Polizogopoulos: Thank you.

EVANGELICAL FELLOWSHIP OF CANADA

The Chair (Mr. Ernie Hardeman): Our next delegation: Evangelical Fellowship of Canada. As you're

taking your seat, thank you very much for coming in and making a presentation this morning. We appreciate that. As with the previous delegation, you will have 15 minutes to make your presentation; any or all of that, you may use for your presentation. If there's time left over, we'll have questions, and this time the questions will be from the government side. So thank you very much again for being here, and the floor is yours.

Mr. Don Hutchinson: Thank you. Good morning, Mr. Chair and members of the committee. Accompanying me is Faye Sonier. Faye won't be speaking this morning. Faye is legal counsel with the Evangelical Fellowship of Canada. I'm general legal counsel. The majority of our practice is focused on constitutional law and particularly the area of religious freedom.

The EFC is Canada's national association of evangelical Christians. Since 1964, the EFC has provided a forum for evangelicals and has been recognized as a constructive voice promoting practical application of biblical principles in life and society. The EFC's 40 denominational affiliates have over 3,000 congregations in Ontario alone.

As evangelical Christians, we are called upon by Jesus Christ to love our neighbours. As humans, and despite our best intentions, we often do so imperfectly. While in every Ontario community, whether religious or cultural, there are individuals who hold extreme views, the overwhelming majority of Ontario's evangelical Christians participate in society in a positive way, which reflects this core tenet of the Christian faith, that we love our neighbours.

We actively participate in the democratic process. We vote and have volunteered on campaigns for each of the parties represented in Ontario's Legislature. Contrary to some expressed opinion, Canadian evangelicals cast our votes in similar patterns as the general population. You'll see that in tab E of our presentation.

However, as evangelicals engaged in the province-wide dialogue on anti-bullying legislation, we have frequently been ostracized in a manner intended to exclude our thoughts from the discussion by trivializing and ridiculing our sincere and constitutionally guaranteed religious beliefs. Evangelicals were accused of being "homophobic."

The word "homophobia," while not yet defined in law, is defined by the Oxford Dictionary as "an extreme and irrational aversion to homosexuality and homosexual people." The term suggests a psychological disorder in the person or organization so labelled and is used to generate fear and to bully those it is directed against into silence. This label has become the contemporary slur of the 21st century, intended to silence the voices of those in our free and democratic society who might disagree with the public policy agenda of a select group of activists. This slur is intended as an insult directed at the very nature and character of the person or organization that dares to disagree. It has no place in public discourse, public dialogue or public debate and certainly no place in the Legislatures, public squares or public schools of our province or our nation.

0920

Evangelicals do not have a fear of or irrational aversion towards gays and lesbians. We do, at times, find ourselves in disagreement with the public policy positions expressed by activists from the gay community—as they, at times, disagree with ours.

The Supreme Court of Canada has affirmed on more than one occasion that the religiously informed are not to be placed at public disadvantage or disqualified from engaging in public policy debate. Most particularly, the court has said this in several cases in regard to education and education policy. As Justice Gonthier noted in his decision, supported by the full court in *Chamberlain*, “The key is that people will disagree about important issues, and such disagreement, where it does not imperil community living, must be capable of being accommodated at the core of modern pluralism.”

We believe that every child—every child—is made in God’s image, of inestimable worth and deserving of dignity and respect. No child should be bullied, marginalized or suffer discrimination. All children have a right to learn, grow and flourish in environments that are safe, welcoming and instructive, and we agree with the Supreme Court of Canada’s decision in *Ross* that these qualities should be present in the schools they attend.

While Ontario has taken positive action to address bullying in our schools with the Keeping Our Kids Safe at School Act and policy memorandum 144 on bullying, the EFC supports additional initiatives to promote respect for diversity and prevent bullying in Ontario schools that are in the best interests of all children. Bill 13, as it is currently written, is not that initiative.

Bill 13 demonstrates that its drafters have been distracted from a focus on diversity and preventing bullying based on all grounds of discrimination stated in the code and distracted from the main reasons that students are being bullied by a genuine concern about the bullying of gay and lesbian students. Such concern for a particular community is a distraction from the necessary concern for all Ontario students, because it singles out certain students as deserving of greater protection.

While the evangelical community has a particular concern about bullying that takes place in Ontario’s schools because of students’, their parents’ or teachers’ religious beliefs, we also believe it would be a mistake for the Ministry of Education to focus only on anti-religious discrimination and bullying or identify special-status mandatory clubs to deal with anti-religious bullying, because such a focus would distract from the need to address bullying prevention for all students.

The EFC has produced the report *By the Numbers: Rates and Risk Factors for Bullying*, which you’ll find at tab D, because we are convinced that when legislators determine that statistics are important for the development of legislation, those statistics should be drawn from studies that are representative of the population and have a sample size that is robust enough to be statistically meaningful. Following sound sociological protocol, survey questions should arise out of face-to-face inter-

views with, in this instance, a cross-section of students who are representative of Ontario students as a whole. Through these interviews, the issues are identified. Wider surveys then formulate questions that are statistically verifiable and quantify the prevalence of the issues already identified.

Legislators may be tempted to rely on junk statistics from surveys prepared by special interest groups, with questions designed to furnish statistics that support their prior commitments. These surveys do not represent the issues or the population well, and, if relied on, are a poor basis for public policy.

While Ontarians might think from media coverage and certain statements made at Queen’s Park that children are most often bullied for reasons relating to sexual orientation or gender identity, the Toronto District School Board’s 2006 student census notes that students are actually most frequently bullied, both in traditional forms of aggression as well as through cyberbullying, for three primary reasons: body image or appearance, school grades or marks, and cultural background or race. Sound decisions need to be based on sound data.

While specific recommendations for amendments to Bill 13 are not heavily detailed in this verbal submission, they have been noted in our earlier written submissions, which also have been provided in our book.

Bill 13 is fraught with legal problems and if not amended will likely generate legal challenges that will result in expenditures of taxpayer dollars on legal fees as the challenges make their way through the courts, with a likely destination of the Supreme Court of Canada some five to seven years down the line because of the constitutional issues that are involved. The approach adopted by Bill 13 lacks sensitivity, flexibility, and a full consideration of proper application of the Constitution Act, 1867, the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code.

From a legal and public policy perspective, Bill 14 is better drafted. We urge the committee to adopt Bill 14 as Ontario’s next anti-bullying measure.

Alternatively, if Bill 13 is adopted, we highlight at this time these essential amendments:

(1) Amend the definition of bullying in section 1 to remove ambiguous language that may capture behaviours that are not bullying behaviours or are expression protected by the Charter of Rights and Freedoms. This is further explained in our written submissions. Another option would be to simply adopt the definition of bullying that is found in Bill 14.

(2) Bill 13 identifies four groups that will receive board-endorsed special status. These categories do not reflect the data on bullying in Canada in terms of students most often targeted for bullying behaviours. This selectivity communicates to Ontario students that some students are receiving preferential treatment or those students’ suffering is more valid than the suffering of others. Section 9 should simply require boards to support equity or anti-bullying clubs as determined in each school community. Another option would be to simply remove section 9.

In this regard, we are particularly mindful of the constitutionally assured religious schools in Ontario. While these schools are often referred to as publicly funded, they are in fact funded by decision of Ontario taxpayers in accordance with constitutional principles and in a manner that neither compromises public schools nor removes funds from the public purse that would be used for another purpose. While the collection of these funds is publicly administered, it is a mistake to note that these are public funds. The Catholic or separate school system's religious freedom is constitutionally guaranteed and deserving of legal and legislative respect. We endorse the proposal made by the Ontario Catholic School Trustees' Association, those legally responsible for the education delivered in the Catholic system, in their document *Respecting Difference*.

(3) Two of the proposed amendments to the Education Act risk restricting community access to school facilities. Presently, countless Ontarians meet together for prayer, worship and community service in rented school facilities. They are seeking and using space in which they can practice their charter-protected right to religious worship and expression. Schools are both a convenient place to meet and funded by their taxpayer dollars. Section 7 should be removed.

As a courtesy, the EFC was provided a copy of the submission made by the Coalition for Parental Rights in Education, and we are substantially in agreement with the content of that submission. EFC is grateful for this opportunity to present and will pray for wisdom for the members of this committee in your deliberations.

Thank you. I'm happy to answer any questions if you have them.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about two minutes left. Ms. MacCharles?

Ms. Tracy MacCharles: Good morning and thank you for attending. Just a couple of questions: Are you aware of the number of gay students in Ontario who are bullied in school and have committed suicide? Are you aware of that statistic?

Mr. Don Hutchinson: We have commented on that in our presentation. We're aware that across Canada in 2008, Statistics Canada reports that 233 students between 10 and 18 committed suicide and eight of those 233 can be identified as gay or lesbian.

Ms. Tracy MacCharles: And part B of that question is the number of students who—as I've described earlier—have considered suicide in a school context.

Mr. Don Hutchinson: I'm not aware of the number who have considered suicide.

Ms. Tracy MacCharles: Thank you. And second, could you identify in the ministry's code of conduct regarding use of school space where the problems you identified would occur? Can you refer to the policy document? I just want to understand your concern about use of school space and why you feel that it would impact future use.

Mr. Don Hutchinson: That reference is to section 7 of Bill 13.

0930

Ms. Tracy MacCharles: Are you familiar with the school code of conduct? Is there anything in there specifically that would be problematic?

Mr. Don Hutchinson: There is not anything that's currently there that has shown itself to be problematic.

Ms. Tracy MacCharles: Thank you. No more questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

M. EMMANUEL HOULE

The Chair (Mr. Ernie Hardeman): Our next presentation is Emmanuel Houle. Good morning, and thank you very much for coming in this morning. As with the previous delegation, you will have 15 minutes to make your presentation. You can use any or all of it for your presentation. If you have any time left over, we will have questions from the panel, and I think there's mutual agreement that for this one, we're going to have the third party ask the question, if there's an opportunity.

Mr. Emmanuel Houle: Thank you very much.

The Chair (Mr. Ernie Hardeman): The floor is yours.

Mr. Emmanuel Houle: I do have some documentation here. The first documentation is actually my presentation and a second documentation is changes to be made to Bill 13. Who should I give them to?

Interjection.

The Chair (Mr. Ernie Hardeman): There we are. It seems the clerk has just gone for coffee or, likely, a business trip he has to make. But they will pass it out and you can start.

Mr. Emmanuel Houle: If you allow me, I would like to make the presentation in French.

The Chair (Mr. Ernie Hardeman): Yes.

M. Emmanuel Houle: A little challenge for translators.

Chers membres du comité, je vous remercie de me donner l'opportunité de vous adresser la parole ce matin. Merci de prendre le temps d'écouter et de considérer ce que les Ontariens ont à dire quant aux projets de loi 13 et 14 sur l'intimidation.

Je m'appelle Emmanuel Houle. J'ai 31 ans. Je suis citoyen de l'Ontario. J'ai grandi en Ontario jusqu'à l'âge de 18 ans. Je suis ensuite parti à l'étranger pour une formation académique en études classiques et en philosophie.

Je suis présentement en train de réviser ma thèse de maîtrise en éthique. Je suis marié depuis bientôt trois ans et papa d'un bébé qui devrait bientôt se montrer le bout du nez.

J'ai été suppléant à l'École secondaire catholique L'Escale de Rockland, en Ontario, pendant tout un semestre. J'ai donc de l'expérience dans le domaine.

Is the translation working?

Interjections.

M. Emmanuel Houle: Si vous me permettez, je vais continuer. Should I follow?

The Chair (Mr. Ernie Hardeman): They're good.

M. Emmanuel Houle: Bien, comme je disais, j'ai eu la chance d'être suppléant dans une école secondaire de l'Ontario pendant tout un semestre. J'ai donc de l'expérience dans le domaine.

Afin de préparer cette présentation, j'ai procédé à la lecture de la Loi constitutionnelle du Canada, la lecture du projet de loi 13, la lecture du projet de loi 14, la lecture de certaines parties de la Loi sur l'éducation et la lecture du document *Private Choices, Public Costs: How Failing Families Cost Us All*, de l'Institute of Marriage and Family Canada. À l'appui vient ma formation académique au niveau de la maîtrise en éthique.

Je crois que lorsqu'on traite de l'intimidation, on doit aller à la racine. La racine de l'intimidation est la jeune enfance face à la différence trouvée dans les autres. On ne peut pas croire sincèrement qu'une loi peut résoudre l'intimidation du tac au tac. Une loi seulement serait d'appliquer un Band-Aid ou un diachylon sur une blessure qui a besoin d'une opération chirurgicale nécessaire.

Une loi sur l'intimidation est un bien pour les jeunes de nos écoles. Toutefois, il convient de se poser la question, à savoir, quelle est la source, l'origine du problème? Les enfants ne tombent pas du ciel. Ils arrivent à l'école avec un certain bagage culturel, psychologique et émotif, et ce bagage leur provient de leurs parents. L'intimidation est issue de l'enfant et l'enfant est issu de sa famille. L'idéal serait d'avoir des communautés dont le tissu social est plus solide afin que les familles en difficulté aient un réseau social qui puisse les aider, les appuyer. De cette façon, les enfants seraient exposés à une plus grande variété de diversité et de différences. Grandissant avec ces différences et éduqués par les parents et les proches, les enfants en arriveraient à accepter les différences et à en voir des occasions de richesses et de partage au lieu d'occasions d'abaissement et d'intimidation. Comme je disais plus tôt, une loi seulement ne serait qu'appliquer un Band-Aid là où une opération chirurgicale est nécessaire.

Quelle est donc cette opération chirurgicale nécessaire? Elle pourrait être appelée l'éducation à la vertu.

Un petit historique du Canada : M. de Maisonneuve, fondateur de la ville de Montréal, a un jour écrit à l'évêque de Québec, qui détenait, à l'heure de la fondation du Canada, un pouvoir temporel autant que spirituel. Dans cette lettre, il écrit qu'il part vers le Haut-Canada afin de fonder une ville. Il écrit également que cette expédition est considérée par plusieurs comme étant suicidaire et vouée à l'échec. Le courage qu'a démontré M. de Maisonneuve est digne de reconnaissance. Inutile de dire qu'aujourd'hui, Montréal est une des plus grandes villes métropoles canadiennes, qui fourmille de vie sociale, culturelle et économique. Le courage dont a fait preuve M. de Maisonneuve est une vertu qui, aujourd'hui, attire les gens de toute culture, race et provenance.

Dans les productions cinématographiques, nous retrouvons des films dont le succès s'explique largement par la soif que nous avons, en tant qu'être humain, de tendre vers la vertu. Par exemple, dans *Gladiator*, avec le rôle de Maximus; Robin Williams dans le rôle du docteur-clown dans le film *Patch Adams*, qui, grâce à sa détermination et son sens de l'humour, réussit à guérir non seulement les corps mais aussi les coeurs; Frodo Baggins, dans *Le Seigneur des anneaux*, qui, grâce à sa persévérance, sa force et sa prudence, réussit à sauver la Terre du Milieu de l'emprise du mal, avec l'aide de ses amis; l'apprentie assistante, dont le nom m'égare, dans *The Devil Wears Prada*, qui, par un tour de force, laisse tomber un monde de richesses, de gloire et d'honneur pour retourner à sa vie de simplicité et d'amitié chaleureuse; inutile de mentionner William Wallace, qui a fait fureur.

Toutes ces histoires ont en commun la vertu d'un ou de plusieurs personnages.

Nos jeunes d'aujourd'hui ont soif d'idéaux. Ils ont soif de « role models », comme on dit en anglais. Nous n'avons qu'à constater le phénomène de Justin Bieber et d'Hannah Montana. Tout cela pour dire que les jeunes d'aujourd'hui sont à la recherche de personnes modèles et ils ont soif de vertu.

Malheureusement, il y a des phénomènes qui entraînent nos jeunes adolescents dans des mondes imaginaires malsains, tels que *Harry Potter* et *Twilight*.

À partir des connaissances acquises lors de cours de psychologie de l'Université d'Ottawa, j'ai appris que la faculté de jugement se cristallise à l'âge d'environ 25 ans. Je crois que nous pouvons comprendre alors qu'un adolescent ou une adolescente entre 12 et 16 ans n'est pas outillé(e) pour prendre des décisions qui auront des répercussions sérieuses dans leur vie. Non plus sont-ils équipés pour juger clairement et nettement entre ce qui fait partie de la réalité et ce qui n'est que fantaisie ou partie d'une réalité inaccessible à l'être humain, ou qui ne lui est pas destiné.

Les conséquences pratiques des théories avancées se vérifient lorsque nous remarquons qu'à partir de la parution des films de *Harry Potter*, une croissance du nombre d'écoles de sorcellerie a augmenté de manière démesurée. Avant la sortie à l'affiche des films de *Harry Potter*, il y avait deux écoles de sorcellerie connues à Montréal. Maintenant, on en compte plus de sept.

Devant cette réalité, nous constatons que nos adolescents sont en quête de mission, d'un sens à la vie. Ils ont besoin d'entendre qu'ils ont été créés pour une raison, qu'ils sont appelés à une mission, à faire quelque chose de grand, même si ce quelque chose de grand ne paraît pas dans les résultats en tant que tels. Ils ont soif d'un sens à la vie.

Je dis cela à partir de connaissances théoriques acquises à l'université, mais aussi à partir de mon expérience personnelle. Depuis plus d'un an, mon épouse et moi accompagnons un groupe de jeunes qui ont entre 14 et 24 ans. Nous nous rencontrons tous les mercredis en soirée pour discuter, échanger, chanter et s'instruire. De cet

accompagnement ou mentorat, j'ai appris que les jeunes et moins jeunes ont une soif profonde de comprendre leur raison d'être. Ils veulent savoir qu'ils ne sont pas sur la terre juste parce que. Ils ont soif d'un sens à leur vie. Ils ont le goût de devenir des Gladiators, des Bravehearts, des Patch Adams et des Frodo Baggins. Ils ont soif de vertu. Et ici, je parle d'expérience.

0940

Une loi sur l'intimidation, tels les projets de loi 13 et 14, est une occasion en or d'appuyer ce désir de grandeur, de vertu et de passion qui brille dans le cœur de nos jeunes Ontariens. Malheureusement, l'intimidation tue le potentiel de notre jeunesse de l'Ontario. Il est donc de notre devoir, nous, les adultes et parents, de trouver moyen de contraindre l'intimidation, de la limiter et, si possible, de la soustraire entièrement.

C'est pourquoi j'appuie l'Assemblée législative de l'Ontario de poursuivre son intention de mettre une loi en place afin de diminuer le plus possible les cas d'intimidation, ou, si possible, d'anéantir cette réalité qui coupe les ailes de nos jeunes Ontariens.

Une loi sur l'intimidation doit nécessairement prendre compte des réalités actuelles et du contexte dans lequel les élèves vivent au jour le jour. Elle doit miser sur le désir de grandeur et de valeur qui se trouve dans le cœur des jeunes Ontariens. Elle doit permettre l'établissement et l'entretien de saines relations entre élèves. Elle doit fournir une inspiration. Elle doit également motiver à faire le bien et à bien le faire.

Comment peut-on faire le bien? Comment peut-on bien faire le bien?

La personne humaine a la capacité d'acquérir des habitudes. Qu'est-ce qu'une habitude? Une habitude est une disposition permanente à agir d'une telle ou telle autre façon. Certaines habitudes sont bonnes, d'autres mauvaises. Les bonnes habitudes sont des dispositions permanentes à faire le bien; on les appelle « vertus ». À l'opposé, les mauvaises habitudes sont des dispositions permanentes à faire le mal; on les appelle « vices ».

Les vertus qui s'appliquent à la vie sociale sont la prudence, la justice, la force et la tempérance. En éthique, nous appelons ces quatre vertus les vertus cardinales, puisque toutes les autres vertus sociales découlent, d'une façon ou d'une autre, d'elles.

La vertu de prudence est une disposition permanente qui permet à une personne qui la possède de savoir quelle action est appropriée et quelle ne l'est pas à partir de l'expérience du passé et de la situation actuelle. La personne qui est prudente est perspicace et voit les défauts et les vicissitudes dans les choses et situations incertaines.

C'est une qualité qui permet à une personne de voir clairement le bien ou le mal d'une action ou d'une situation précise alors que les autres personnes ne peuvent déterminer efficacement la valeur, soit positive ou négative, de l'action.

La vertu de justice est une disposition permanente à rendre à chacun selon son dû. Elle touche tout ce qui est en relation avec les autres.

La force est la vertu qui permet à une personne de faire ce qui est raisonnable sans que sa volonté soit détournée ou freinée par des obstacles. De la force découlent les vertus de magnanimité, de magnificence, de patience et de persévérance. Ces quatre sous-vertus sont décrites dans la présentation.

Tout comme la force permet de tenir longtemps et de continuer en vue d'accomplir la tâche désirée en présence d'obstacles, de même la tempérance permet de tenir longtemps et de continuer en vue d'accomplir la tâche désirée en présence de biens désirables non ordonnés à la fin recherchée. La force traite d'oppositions alors que la tempérance traite de distractions.

Le projet de loi qui sera adopté doit prendre en compte le rôle que joue la vertu dans la vie des jeunes qui aspirent à des vies bonnes.

Faisons une comparaison entre les projets de loi 13 et 14.

Le préambule du projet de loi 14 indique que celui-ci est rédigé suite à une consultation longue de deux ans avec les membres du corps professoral ainsi que des professionnels du domaine de l'éducation. Pour cette raison, j'invite l'Assemblée législative à donner préséance à l'adoption du projet de loi 14 avant celle du projet de loi 13.

Pour ce qui est de la définition d'intimidation, je favorise grandement la formulation du projet 14. La définition d'intimidation est plus large et détaillée, et laisse moins de place à l'interprétation.

Pour quatre raisons, le projet de loi 13 ne peut être adopté tel que présenté sous la forme actuelle.

(1) Parce qu'il va à l'encontre de l'article 93 de la Loi constitutionnelle.

(2) Parce qu'il va à l'encontre de la Charte canadienne des droits et libertés, qui déclare, dans son introduction, « que le Canada est fondé sur des principes qui reconnaissent la suprématie de Dieu et la primauté du droit ». Le Dieu auquel on fait ici référence est le Dieu chrétien : le Dieu d'Abraham, d'Isaac et de Jacob, le Dieu révélé par Jésus-Christ.

(3) La Charte indique au deuxième paragraphe que « Chacun a les libertés fondamentales suivantes : (a) liberté de conscience et de religion ».

(4) L'Église catholique, sur l'homosexualité, au numéro 2357, indique que « la Tradition a toujours déclaré que “les actes d'homosexualité sont intrinsèquement désordonnés.” Ils sont contraires à la loi naturelle. » Elle poursuit, au numéro 2358 : ils—les homosexuels—ne choisissent pas leur condition homosexuelle. Elle « constitue pour la plupart d'entre eux une épreuve. Ils doivent » donc « être accueillis avec respect, compassion et délicatesse. On évitera à leur égard toute marque de discrimination injuste. »

Par conséquent, tel que présenté, le projet de loi 13 ne peut être appliqué aux écoles séparées catholiques de l'Ontario.

En concluant, je vous invite à réfléchir sur le rôle de la vertu pour les jeunes d'aujourd'hui. La vertu rend bon celui qui la possède et bonne son action. Il ne s'agit pas

de politique partisane; il s'agit d'avoir la meilleure politique en place afin d'aider notre enfance ontarienne. Merci de votre attention.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude all the time. We very much appreciate your presentation this morning, and we will move on to the next one.

Mr. Emmanuel Houle: Very well. Thank you for your time.

MR. DUSTIN GARRON

The Chair (Mr. Ernie Hardeman): Our next presentation is Dustin Garron. Thank you very much for coming in. As with previous delegations, you will have 15 minutes to make your presentation. You can use all or any part of that 15 minutes for your presentation, and if you have time left over that you don't use, we will have questions from the committee. This round will start with the official opposition. The floor is yours for the next 15 minutes. Thank you very much for being here.

Mr. Dustin Garron: Thank you. Greetings, Mr. Chair and members of committee. I am so honoured and privileged to be able to speak in front of you today on these two very important bills to amend our Education Act.

My name is Dustin Garron, and I am 17 years old. I am a current grade 12 student at St. Joseph's High School in Renfrew, Ontario, with the Renfrew County Catholic District School Board. I am the former student trustee of RCCDSB, and I will be completing a four-year undergraduate degree in criminology at Carleton University this upcoming September. I am the founder of the Mental Health Project. But, first most, I am a student in the province of Ontario, and these two bills are important to myself and to the rest of the student population in this province, both public and Catholic.

First, I would like to begin by stating that I am a gay individual living in Renfrew, Ontario. But I would like to go on record and state that I belong to a very accepting school community. I must give credit to my school principal, Mr. Brennan Trainor, and the rest of the staff at St. Joseph's High School who have accepted me for who I am. Mr. Trainor and his fellow colleagues have embraced my sexuality and treat me like every other student who walks the halls of our amazing school.

When I first heard of Bill 13, I was led to believe that the bill was only going to be directed toward one core group of minorities: the LGBT community. As a member of this community, I would not have supported a bill geared towards only that minority, as we must remember that there are people in this province who are bullied who are not gay and some gays in this province who are not bullied. When I first heard of Bill 13 from my MPP, I was furious in that it would leave out other minorities such as children with disabilities or students who face racism. However, after reading Bill 13, I am so very pleased with the prospective amendments of the bill.

I think that a lot of people are really in a tight position over what to do with this bill, and as a student, I can

recognize that. As a member of the Catholic school community, I can understand the disapproval of the boards. I have worked very closely with the Ontario Catholic School Trustees' Association and the Catholic Board Council of the Ontario Student Trustees' Association. But I also believe that we are focusing on only one small portion of this bill that would give students the right to implement a gay-straight alliance in their schools.

However, this idea of creating an organization for students takes up only one line of this 12-page amendment. At the end of the day, it's the students who attend the schools and need to feel accepted in the community they spend some seven-odd hours a day in.

0950

I stand before you today supporting the idea of a gay-straight alliance, but I do have two statements to say regarding this support: I would not support a bill that was made only for one minority, and I do not believe Bill 13 does this. As well, I would not support a bill that forces groups to be named gay-straight alliances, which again, Bill 13 does not.

A lot of opposition regarding this bill was been that it promotes homosexuality, it's only geared toward one minority, it has a hidden agenda, it focuses on homosexuality more than preventing bullying, and does not concern all youth.

Well, members of the committee, this bill does not promote homosexuality. If you're gay, you're gay. A support group would not magically turn someone gay. There are some days where I wish I were straight so I would not have to deal with this inequality I experience, but I was born this way and there is nothing else to it. This bill is not promoting only one minority, as it does support other types of groups, as discussed before, and in section 169.1, but is accepting of all students. There is no hidden agenda on this one. We are playing with the lives of Ontario students.

I don't know if any of you have realized the vast amount of gay students who have committed suicide in this province. If you didn't catch my sarcasm, that's okay. But I would also like to remind you, we have lost many students who are not gay. These students experience a disability, and section 303.1 would allow support groups for students who are disabled in any way—mentally and physically. This bill does not focus on homosexuality, but that bullying of any form over anything—weight, sex, religion—is wrong. As well, this bill takes into account all Ontario students who are in minority status.

One thing I often notice is that we are a little bit stuck in history. Over time, we have evolved as human beings, and I mean that we have evolved into a more accepting community. I will admit that I probably live in one amazing province in one amazing country, but we have some work still to be done. We cannot ignore the LGBT community, but most importantly, we can also not ignore the other minority groups that exist in this province. Failure to recognize these students will create a hostile environment that could lead to one's own death should

they feel that what they bring here is too much on a burden.

Did I mention that I attempted suicide over seven times and almost lost my life on the morning of June 28, 2011? I didn't attempt suicide because I was gay or experienced anti-gay bullying. Like I said, I belong to one of the most accepting school communities I have come across in this province. I attempted suicide because of my disability, and I believe that having a support group with such reasons would be wonderful.

We are spending too much time focusing on the LGBT portion of this bill, which is my concern. We do have other minorities to work with, and this bill does include them. But maybe it would take a suicide of one of those minorities for us to pay attention—oh wait, we lost four in Renfrew county in the last six months.

It is unfortunate that we have to put support groups into legislation. This should all be a no-brainer. All students should have equal availability to support, regardless of who they are. Our principals and school authorities should be held accountable for not supporting and/or creating safe spaces for our students. If this bill does not pass and these support groups are not implemented, there is nothing worse than knowing that you don't even have the government's support on your side.

Thank you for taking the time to listen to me this morning as I support Bill 13 and I express some of my concerns. As an Ontario student, I thank the government for their hard work, and especially my MPP, Mr. John Yakabuski, who has guided me through this. Even though sometimes we conflict in our views, Mr. Yakabuski has led me and supported me through this.

I encourage schools to use my high school as a model. It is a place that is accepting. Not all schools require GSAs, but if anti-gay bullying was to come about, it would be handled in a supportive manner with this bill.

Thank you, and I would take any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We very much appreciate that. Since you already mentioned the person who is going to question you—Mr. Yakabuski, you have questions?

Mr. John Yakabuski: Thank you very much, Chair, and thank you, Dustin, for joining us this morning. I know you have a commitment elsewhere as well today. We appreciate your courage in coming here and also the way that you've faced the challenges that you've had in life and beginning the Mental Health Project as well, which is something that will benefit many, many students.

You've said a couple of things there, Dustin, and I just want to clarify them based on your view of what the bill may or may not accomplish. We've heard other testimony this morning talking about taking the bill to court if it passes as is written. One of the issues involved is the singling out of one group over others. If the bill, when it passes, does, according to legal people who do better at deciphering these things than I do obviously, take a view that it does single out one group for special

treatment and then ends up in a court challenge, is that the kind of bill you would support, or are you looking for a bill that ensures that bullying of all types, against anyone—all bullying—if a person is bullied, is wrong? If a person is bullying, they are committing a wrong. Is that your view?

Mr. Dustin Garron: Absolutely. Bullying of any form—verbal, physical, cyber—to anybody regardless of race, sexual orientation or how they look is absolutely wrong. I can understand the conflict, that this bill focuses on one minority group, and I don't want it to be like that. I don't even attend gay pride parades simply because I don't want the focus on me. Me being gay does not make up who I am. I am a good student in this province. I like to think that I'm smart and my sexuality doesn't define me. I wouldn't support a bill that was focused, but I believe that this bill is not totally focused on just one minority group.

Mr. John Yakabuski: So you want a bill that is going to combat, deal with and do its best, with us working together, to eradicate bullying not only in our schools but everywhere else as well?

Mr. Dustin Garron: Absolutely.

Mr. John Yakabuski: Well, Dustin, I do thank you for appearing here today, and I wish you the best. I know you're going to Carleton University to speak, I think, today.

Mr. Dustin Garron: I'm going to Carleton University to tour the campus.

Mr. John Yakabuski: Oh, to tour the campus?

Mr. Dustin Garron: Yes.

Mr. John Yakabuski: Oh, I thought you had a speaking engagement there as well.

Mr. Dustin Garron: I was just on the CBC this morning, and I think I'm heading back to the studio to be on Power and Politics this afternoon, so I do have quite the places to be.

Mr. John Yakabuski: Okay. Well, good luck with that one, and keep up the great work with the Mental Health Project as well.

Mr. Dustin Garron: Thank you very much.

Mr. John Yakabuski: Thank you very much. Have a great day.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation this morning. We do thank you. It takes quite a courage to come in to a committee such as this, though we're not as mean as we look, but it is—

Ms. Lisa MacLeod: Speak for yourself.

The Chair (Mr. Ernie Hardeman): We really commend you for coming forward and putting your personal touch to the deliberations on these bills, shall we say. So thank you very much.

Mr. Dustin Garron: Thank you.

MR. ALLAN HUBLEY

The Chair (Mr. Ernie Hardeman): Our next delegation is the city of Ottawa, Allan Hamblay—

Ms. Lisa MacLeod: Councillor Allan Hubley.

The Chair (Mr. Ernie Hardeman): Hubley.

Ms. Lisa MacLeod: Chair, if I may, just a quick point: On Thursday evening, I had the great honour of presenting an award to this gentleman for his active role in speaking up in our community against suicide, youth mental health and bullying. He was honoured with the United Way of Ottawa's Speak Up Award, and he received a wild standing ovation for his courage, and I think he'll talk about that today, his experience. But I certainly want to welcome him to our committee. He has been a keen adviser to myself and other members of this committee. I want to say thank you for his courage in what he's about to tell us.

The Chair (Mr. Ernie Hardeman): Thank you very much, Ms. MacLeod. Thank you very much for being here this morning to make a presentation. As with previous delegations, you have 15 minutes to make your presentation. You can use any or all of that 15 minutes in your presentation. If there's any time left over at the end of the presentation, the questions will come from the third party. So, with that, the floor is yours for the next 15 minutes. Thank you very much, sir, for being here.

Mr. Allan Hubley: Thank you all very much for this opportunity to speak to Bills 13 and 14.

On October 15 last year, my family suffered a tragedy that was preventable. Our 15-year-old boy committed suicide because he said he couldn't take another year of high school and had lost faith that life would get better.

For the world to read, Jamie blogged about his spiral into the depths of depression while struggling with his sexuality and bullying. He identified bullying as a major factor in his depression, and at the end of it, he said relentless verbal abuse had left him feeling, to use his own words, broken.

1000

We teach our kids that athletics is good for us, and if they achieve exceptional results they may one day proudly represent our country. Jamie believed in that message, but he was picked on at school from an early age because he was a championship figure skater. He had placed in the top 10 in Ontario and spent time with Canada's Olympic coaches. He had a promising future that, one day, he might represent his country on the world stage. But now, all we can do is wonder what may have been.

Jamie loved to sing and perform because he said that it made people happy. From a young age, he would love to talk to seniors, younger children and anyone who he thought he could make smile. It was the treasure he sought in life, and those who knew him loved him for it. But it also made him a target for those who get away with the only form of abuse that we do not have penalties for currently. In fact, the bullies who hunted Jamie and took my boy from me will likely go on to attack other young people and damage more lives while we discuss whether we want to address bullying seriously and protect all children.

Jamie wanted to start a club in his high school. He made posters and placed them in the school, but they were torn down. Jamie believed that all kids should be

able to join a club, whether they were tall, short, had freckles, an accent, a disability or different-coloured skin; maybe they would be thin or, like his dad who, for the record today, please refer to as being built like a teddy bear.

One of the items in Bill 13 that I like is support for student-led initiatives. However, I feel the proposed language in the bill needs to be modified. I respectfully request that no groups be given special status by being named. To do so will only suggest certain children are more important than others, and I do not support that notion. I am here today to ask you to protect every child equally.

I believe every family wants to know that when their child goes to school, they will be protected equally. Most of the kids I described above would not be protected by Bill 13, but they would be by Bill 14.

By suggesting each club must be specifically named, such as any name, we are dealing with the issue of bullying in a way that is sure to fail. Jamie was the only openly gay person in his school of over 1,000 students. Jamie had the love and support of his family and friends and still found this to be a challenge. A GSA with one member or even a few would only have made him more of a target. I have to ask you: How many people publicly announce their sexuality before they are out of school and established in their lives? Why, then, would we be considering forcing them to do so at an age when they already have so many pressures to manage?

If Bill 13 is implemented without changes, you could have a child going to his GSA meeting at 3:30, then leaving that meeting early so they can get to their Weight Watchers club—and, oh, wait, it's Tuesday; maybe skip that meeting and go to the kids-with-red-hair meeting. It's important that all of the kids go to one group to learn to respect each other and understand the differences. That is how we will build a better society. Not one of the groups, if we separate them out, would learn that; they wouldn't learn anything about each other, but instead, they could be fighting for precious resources.

Hopefully, you can see the wisdom that my son and his friends had when they were planning their club. They wanted all kids to see that they belonged to their club so that each would learn about the other and learn to respect each other as different. The idea came from a Glee club episode and was mentioned in Jamie's last note to the world when he asked to be remembered as a unicorn: different on the outside but beautiful on the inside. This kind of club would provide safety in numbers from bullying, and when talking about clubs with Jamie, he told me that adults like to label everything; kids don't. He didn't want to see all these different groups.

I believe we can't say, "Only the teachers have to solve this problem." Rather, I believe it's with the whole community coming together that we can have hope for a better day, and only with our youth being part of the solution, through measures such as this club I described, can we truly believe that another child will not be broken and give up hope that we all care.

Many statistics have been thrown around in this discussion, but the reality is, without the reporting mechanisms outlined in Bill 14, we do not know how many cases of bullying actually occur. Even with the goodwill of all parties, we do not know where to focus scarce resources, because we don't have the common denominator or trends. We cannot defeat an enemy we can't clearly identify.

Jamie used to wake up in a cold sweat and scream that people wanted to kill him, and I would have to run to him and assure him he was safe. I didn't know the demons he was dealing with would eventually win. I do know that you have the ability to deal with the nightmares of other families, but you must act quickly so that you don't end up like me, wondering what more you could do to save a child.

From the start of this process last November, I have publicly stated that I support both bills as a very good first step. While I have friends within all parties, I have never supported one bill over the other in getting this much-needed protection for our children. I have only encouraged the merger of both, because I believe all kids need our love and protection.

By modifying and combining the two bills, we gain a much stronger piece of legislation, and by all parties supporting the joint effort, you have the opportunity to send a clear message to all kids that adults can learn to play nice too. You have been given the opportunity to protect all children. Please do not let anyone convince you to only protect a few.

Thank you for your consideration of my comments, and I'll do my best to answer any questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your heartfelt presentation, and we now go to the third party. You have about four minutes.

Mr. Peter Tabuns: Thank you very much, Mr. Chair, and my colleague may want to share time with me on this.

Mr. Hubley, it's good to see you again. You took the time to speak with me in Toronto a few months ago, and again, I'm impressed with your composure and your ability to present very clearly the difficulties that your son faced in his time at school.

You have told us before—and I would appreciate it if you would touch on it again—the fact that your son was bullied, really, at a much earlier age than high school, and he was bullied because he didn't seem to fall into the male stereotype of behaviour. Could you speak a bit about his experiences?

Mr. Allan Hubley: I did, in my presentation, mention that he was a figure skater from five years old. Obviously, a lot of other kids in his classes were hockey players, and there's an ongoing rivalry between the two groups. That seemed to have made him a target.

He would also, as I mentioned, sing to people, loved to entertain people any way he could, because he would get so happy if he made someone smile and thought that that was what he should do with life.

That made him a target, because he would go to the child who was being picked on or beat up and be their

friend. He would go to the person who broke their ankle or whatever and spend time with them. We were blessed that that was the way he saw himself, his role.

Was it a stereotype? I don't know if I want to say that. He was just—he was our gift from God; that's what he was.

Mr. Peter Tabuns: And I understand that he put up posters for his club, the Rainbow Club, if I remember correctly?

Mr. Allan Hubley: Yes, he was calling it a Rainbow Club, like all the children under the rainbow. Jamie loved rainbows, he loved tornadoes, he loved hurricanes, he loved anything Mother Nature could do, and that's where the name came from.

He also believed that—within a few months before he passed, he had come out as an openly gay individual, but the club was not to be just for gay people. As I mentioned in my speech, he was the only openly gay student in the school. He knew—we had those discussions—that it would only make him more of a target if it was just a GSA. He wanted a club that every child could go to.

1010

Many of the kids I mentioned there, for example, people with freckles, with different colour hair, things like that, they're not protected under the human rights charter. They're not, as the previous presenter said, one of the minorities. From what I read of studies of bullies, they look for what makes you separate from others. They look for something that—you're different. It could be the clothes you wear; it could be anything.

That was what he was trying to address with his club. He believed that if all the kids could join, they would become the majority and they would have safety in their numbers. Maybe it would be a number of gay students with a number of red-haired students with another group with freckles; if they all got together, then they're safe. Bullies aren't going to pick on them if they have their group together, and that was what his vision was.

In talking to a lot of other kids before Jamie passed—because we have what we call an open-door policy at home and we have a pool in the backyard, so we tended to have large groups of kids around the house at any given time. In talking with them while he was trying to put this together and since his passing, the overall message I got from all the young people is exactly what Jamie said: that it's only us adults who want to put labels on kids and on the activities they do. They just want to come together, they want to have fun, and, in this case, he was trying to form something that would give them protection.

If by calling this club a GSA means that this legislation has to go to court and it's delayed another year, we're losing—I understand the statistics are two kids a week to suicide in Ontario. I'm wondering how many of those kids in a year are related to bullying and how many will we lose while this gets tied up in court.

If we do this recommendation that I'm offering you, that you do not reference or make special any group, if you just say "support for student-led initiatives," then I

don't see this bill being challenged in court. I think there are good things in both bills. When they come together, it will be a very strong piece of legislation it's my belief the entire province can get behind. Thank you for protecting our children.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo?

Ms. Cheri DiNovo: Just a point of order, sort of, Mr. Chair: I just want to, on behalf of the entire committee, extend our prayers and our love and our condolences to you and your family. What you have lived through is the worst nightmare that any parent can live through. We just want you to know that your bravery and courage are noted, and that we, of all parties on all sides of this committee, really wish you the best and thank you so much for coming forward.

Mr. Allan Hubley: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much on behalf of the committee for appearing this morning.

Mr. Allan Hubley: Thank you all.

MR. TIMOTHY LAU

DR. JONATHAN PONESSE

The Chair (Mr. Ernie Hardeman): Is our 10:30 delegation here? That's Timothy Lau, Stephen Gay and Cecil Chabot. They have a PowerPoint. Okay.

As with the previous presenters, you have 15 minutes to make your presentation. You can use all or any of that for the presentation. If there's any time left at the end of the presentation, the questions will come from the government side of the committee.

With that, at this point the floor is yours and the 15 minutes is yours to use as you see fit.

Dr. Timothy Lau: Thank you very much for this opportunity to speak today. Several people were part of making this presentation and putting it together. Some of them couldn't be here. I think one of them was planning to come for 10:30, but because we're a bit ahead, the person couldn't be here. So I'll begin. I'm a psychiatrist—

The Chair (Mr. Ernie Hardeman): Before you start your presentation, make sure you give the name to Hansard so it's on the record. I should have asked you to do that before.

Dr. Timothy Lau: Sorry, my name? Tim Lau. I'm a psychiatrist.

What I would like to present today—this is an overview, looking at why we are talking about Bill 13 today, and look at several things that I think are of concern. In the overview, we'll look at discrimination, intolerance, confusion, and ask the question of whether or not we'll be better off or worse with the bill as it stands.

Why Bill 13? I think the government can be applauded for many of its initiatives that they have undertaken in the present government to counter bullying. Some of these are listed here. For—

Failure of sound system.

—are not being used. Bill 157, for example, makes it mandatory for everyone in the school, from the custodian to the office administrator, to deal with and report bullying when they see it. There is even a mandatory report that must be submitted to the principal, and the principal must issue a receipt back, saying that the action was either taken or not taken.

PPM 119 mandates that all schools have an equity and inclusive education policy which teaches that everyone is worthy of inclusion, acceptance and love, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, age, marital status, family status or disability. This is identical to Bill 13.

Finally, Bill 168 deals with harassment and bullying in the workplace, and we applaud the government for these bills and the PPMs, and the work it has done to make Ontario schools safer. The community approach has already been in place in the form of grants. The question is, are these tools already available, but perhaps under-utilized?

If the objective is to prohibit bullying, then Bill 14 is sufficient and not divisive. The only reason Bill 13 is controversial is that it's focusing on the bullying of one group, as many people have already testified. So why is there a particular focus on sexuality? Why does the bill not aim at all the factors on which bullying is said to be based? The definition in Bill 13 mentions between 13 and 16 different factors, depending on which parts you look at, and it doesn't even specify the more common reasons for bullying, meaning physical appearance.

If a poor child wants activities or organizations because he or she is bullied, does Bill 13 actually help them? Will it in fact lead to more discrimination? I think we can all agree that bullying is to be condemned, but why should one group be singled out in an amended act? As the orthodox clergy association had presented on May 14, it is twice as likely, according to StatsCan, that people will be bullied on the basis of their religion rather than their sexuality.

1020

Bullying is often the result of not respecting differences and forcing one's will on another person. If we look at this government, you can see that—this is an article from the Citizen. It says that “Colleges Minister Murray Says Courts Will Force Catholic Schools to Accept Anti-Bullying Legislation.” He has said, “I have to say to the bishops: ‘You’re not allowed to do that anymore.’”

So the true objectives may be, as it states here, to force or—every board “shall” support pupils who want to establish and lead activities or organizations that directly contradict the official teachings of the Catholic church. To deprive school boards—that is, trustees, principals and teachers—of the legitimate authority given to them by parents—this might be as a result of a lack of oversight for activities run by students.

So, who is being intolerant? Tolerance is a two-way street. No one should have the other's point of view imposed on them. For example, non-Catholic views

should not be imposed on Catholics. Tolerance and acceptance is not quite the same as promotion. Will non-participation in an activity organization be interpreted as being against the group formed? In other words, are you with us or are you against us, and are you a hater because you're not part of this group that's formed? The question is, will this create a more negative environment?

The other thing that I found a little bit concerning is, some of the definitions in the bill are vague. If you look at the term "critical consciousness," where does that come from? That's in the preamble. Who defines these terms? The principal, the teachers? What does "critical consciousness" actually mean, and am I a bad person if I don't have this critical consciousness that someone else thinks is critical, and will it be used as an attack on people of faith? If you actually do a Google search, you'll find that "critical consciousness" has its origins in Karl Marx and this idea of revolution.

I think in a pluralistic society, we have to be tolerant of other people's opinions and beliefs. Others have different experiences and different understandings of human sexuality, but we need to, and the Constitution obliges us to, accept a plurality of views because these are vital questions that have enormous impact on our health and happiness.

A surprising number of people freely and willingly choose to send their children to Catholic schools, and these include Muslims, Christians, Jews and others. No one is forced to believe what is taught.

Catholic moral teaching is often different than what the rest of the world believes. Whether or not the issue is about masturbation, premarital sex, group sex, pornography or even the rationalization of suicide itself, the Catholic church is often different. One wonders whether or not Catholic moral teaching will be acceptable under the new act.

If you look at this GSA website, it in fact points to the fact that Catholics are fundamentally homophobes, and this shows that there is intolerance towards a Catholic world view.

We would suggest adding this provision to the bill: "Nothing in this act is intended to affect the constitutional right of Catholic schools to provide an education and an environment that is consistent with and supportive of the Catholic teaching on the dignity of the human person and the dignity of human sexuality. Nothing in this act is intended to affect the right of other religious denominations to teach and promote their moral instruction regarding human behaviour, including that related to sexuality."

How would a gay and faithful Catholic student feel in a GSA club? Would he be accepted, ridiculed or bullied or even labelled as a hater if he had a view that was different and maybe consistent with the official teachings of the Catholic church?

There is also the issue of liability. There's no stated oversight. What about the delegation of authority to teachers and their parents to act as a judicious parent would?

There's nothing in the bill that requires faculty oversight. There's also the issue of discipline. You have these organizations or activities, and if someone is out of line or something is out of line or something is as it should not be, who acts? There's no description of oversight.

As we know, most bullying actually happens when there isn't supervision, say after school or outside or on the school bus. I know that people who have testified have suggested perhaps this is an after-hours club, but I would suggest that it's also possibly social activism.

This is from Catholics for GSA. They actually hope to achieve the removal of harmful documents like the pastoral guidelines to assist students, so they're trying to undermine the teachings of the bishops, and this is also from various associated GSA sites. Without supervision, is this what we'll get? Will the bill and will these activities have to be supported? This girl states "my morals" is something that she defines. I think that's perhaps a concerning thing for us.

This is from the GSA network in the States. If you want your club to be a support group, an activism club or a social group, it's not just an after-hours support club.

As the comments the orthodox clergy association made, it was quite clear in Dundas, the Dundas High School school-wide GSA assembly, a speaker was saying things that were quite intolerant of people with religious beliefs and was found to be offensive.

No bill is necessary for after-hours activities. If you want to have a chess or basketball club, why do you need a bill? Why a bill for what some people say is an after-hours or extracurricular activity? And what kind of after-hours club exists that if you can't set up one, a parent organization exists that will connect you with a lawyer to make it happen?

There's also the issue of confusion. I have with me as well, who was supposed to present, Dr. Ponesse. He's a pediatric neurologist.

Dr. Jonathan Ponesse: There are three points about the use of the word "gender identity" that I want to bring up.

Number one: That it applies a fluidity—

The Chair (Mr. Ernie Hardeman): Could you state your name again for the record?

Dr. Jonathan Ponesse: Yes, Jonathan Ponesse.

The use of the words "gender identity" implies a fluidity in sex identity that produces an artificial and unnecessary uncertainty to a vulnerable population. Engineering gender and then presenting it in its non-binary shades as if it were a menu from which we choose will ultimately damage children. Adults may be comfortable with notions of flux, change and semi-permanence but children and youth are certainly not. The identity of children is rooted in their sex, a scaffold from which they can then seek out and attach to a model of a corresponding sex. Identity cannot take root when such models present ambiguously, without salient and stable features.

Young children think in absolute terms, often in the yes/no, right/wrong and yes, even male/female binary that makes their world easy enough to understand.

Children need to be able to recognize that there is a clear and certain path in their development, such as from girl to woman and possibly mother, not to a man or father or somewhere in between. If the brain is still developing, with the structures most responsible for mature judgment not yet developed until the early part of the third decade, how can we expect our children to make sound choices in regard to something as monumental as gender?

Secondly, the use of the words “gender identity” in the act is not informed by science. The public will be misinformed that all one needs to change gender is an alteration in outward appearance and subjective choice. The state of the science acknowledges that our sexual identity is rooted not only in our chromosomes and hormones, but our brains as well. A complete medical change in gender is impossible. The major dimorphism processes—that is, the creation of a male and female brain—start as early as the sixth week of gestation and do not really end until the early part of the third decade of life. Even in the most gender-atypical individuals, their brain structures still conform to the general sex-based dimorphism. We may be able to inject hormones or surgically alter genitalia, but we cannot change our brain structure, which inevitably affects behaviours that are even considered by many to be merely gender-role stereotypes. Yes, males and females have different ways of perceiving the world, conceptualizing and recovering from brain injury—the list goes on.

Thirdly, the use of “gender identity” implies that gender identity disorder is not a real pathology warranting treatment.

Children with autism, for example, may be said to have an exclusive “object-oriented” relationship with the world as opposed to the social bias with which most of us are born. That is, these children are focused on the mechanics and how play is oriented around sensory properties of objects, to the exclusion of their relationship with people.

Parents of these children come to medical attention hoping to change this orientation so that hopefully these children will have more reciprocal relationships with their parents, siblings and others. I don’t think that anyone here would think of denying the parents their right or desire to treat their child with autism.

Similarly, when a child develops a sex-opposite trait exclusively dissonant to their biologic sex, it is cause for grave concern and warrants referral to a mental health expert. We don’t let a learning disability go untreated simply because it is a difference, and psychiatrists who treat gender identity disorder early enough generally see its full remediation. If a child experiences self-loathing over some particular aspect of themselves, parents may take that child for treatment for depression, for example. If this self-loathing is because of conflicted gender concept, the same principle applies.

Parents oversee the development of their children in many respects, such as the choice of schools or the importance placed on religious observance. Who is to say that parents may not try to raise their children in a

manner that maximizes a gender-typical outcome? We also need to be humble and to realize that we just don’t know enough of the science of this phenomenon to send children and youth for sex-altering surgery or other manipulation.

The Chair (Mr. Ernie Hardeman): Thank you very much, and we are at the end of our 15 minutes.

Dr. Timothy Lau: We have 14 minutes.

The Chair (Mr. Ernie Hardeman): I’ve got 15, so obviously—the 15 starts from the time you started setting up. We have to be fair to all delegations.

We thank you very much for your presentation. It’s very informative and I’m sure that it will be of assistance as we consider the rest of the dealing with the two bills.

Back to the 10:15 one: Jin Lu, L-U. Is he present? If not, I guess we will leave that one behind. Our 10:45 appointment has cancelled. Does the 11 o’clock appointment happen to be here yet? That’s Jer’s Vision. They’re not here yet? Then I suggest that we recess the committee for a period of time until 11 o’clock for the next delegation.

Interjection.

The Chair (Mr. Ernie Hardeman): If the committee will be around, we will recess for 15, so if the 11 o’clock delegation is here we can proceed on to lunch. But we will have to recess for the first 15 minutes.

The committee recessed from 1033 to 1052.

JER’S VISION

The Chair (Mr. Ernie Hardeman): We will call the meeting back to order. Our next delegation is Jer’s Vision, and we have three people here. We have somebody here to make a presentation on behalf of Jer’s Vision.

If you will take your seats at the head of the table. We thank you very much for coming in. You will have 15 minutes to make your presentation. You can use all or part of that. If you don’t use it all, we will have questions from the committee, and the questions will start with the government side.

Before you start your presentation, if you will give us your name through the microphone so Hansard can copy that. With that, the floor is yours for 15 minutes. Thank you very much.

Ms. Loresa Novy: Hello. My name is Loresa Novy. I am the senior office manager at Jer’s Vision and the International Day of Pink, as well as the chair of Capital Pride and alternate regional director of the InterPride organization.

Ms. Faye Estrella: Hello. My name is Faye Estrella. I’m the conference director at Jer’s Vision and the Day of Pink.

Ms. Loresa Novy: Jer’s Vision works in schools and communities across Canada to address bullying, discrimination, homophobia and transphobia. This scholastic year, we will engage over 75,000 youth in dialogues on bullying and work with them to create solutions in their schools. Our organization doesn’t simply do work-

shops, but also engages youth in dialogues, supports their initiatives and mentors them so that we can create real changes in their schools.

Ms. Faye Estrella: Jer's Vision is a youth-run organization. We are young people working with young people. We are also mostly volunteers, so usually each one of us who comes to work there has a personal story. Either we've gone through bullying ourselves when we went through school—I know I did. I went through the Catholic system, and they wouldn't allow us to have a GSA, so when I decided to work for this organization, it was to help promote understanding and diversity in more schools.

Ms. Loresa Novy: We are honoured to be here speaking to you. Anti-bullying legislation that supports addressing homophobic and transphobic bullying is desperately needed in schools in Ontario. Since it was introduced, we have spoken in one or more schools a day and collected over 10,000 petitions from youth who support Bill 13 because it explicitly supports a dialogue on homophobic and transphobic bullying.

Ms. Faye Estrella: According to an Egale Canada survey called Every Class in Every School, which is the first national climate survey on homophobia, biphobia, and transphobia in Canadian schools—the study involved surveying over 3,700 students from across Canada between December 2007 and June 2009—70% of all participating students, whether they were LGBTQ or non-LGBTQ, reported hearing expressions such as, "That's so gay" every day in school; almost half reported hearing remarks such as "faggot," "lesbo" and "dyke" every day in school; 74% of trans students, 55% of sexual minority students and 26% of non-LGBTQ students reported having been verbally harassed about their gender expression; more than one in five LGBTQ students reported being physically harassed or assaulted due to their sexual orientation; and almost two thirds of LGBTQ students and 61% of students with LGBTQ parents reported that they felt unsafe at school.

It's not only LGBTQ youth who are experiencing homophobic and transphobic bullying, as was plain in this report, which you can also find on the Internet. Straight youth, parents and teachers face this bullying, and such behaviour is pervasive in our culture, from TV and movies to social media.

Ms. Loresa Novy: You're probably thinking that discrimination is not new. However, the difference between homophobic and transphobic bullying, and bullying that is anti-Semitic, racist, sexist or in other forms is that schools encourage a dialogue about it. Homophobic and transphobic bullying is actively silenced by schools and school officials, and those who wish to start up such dialogues, especially youth, are often silenced. The truth is that the only way to deal with this form of bullying is to talk about it. Telling youth to stop or suspending them doesn't work; youth need to understand who LGBTQ people are, their culture and their community.

Ms. Faye Estrella: And we are a cultural community; we are not simply who we date. Over 40 years ago we

were illegal in Canada, and we led a human rights movement over decades, leading to greater equal rights. We celebrate our cultural and social identities, shared history and social identifiers, and we continue to face challenges.

As of 2009, over 80 countries have LGBTQ people being illegal, including five where the punishment is death—something that needs to be talked about in geography classes. If we learned about LGBTQ families in kindergarten, queer people murdered during such events as the Holocaust in grades 4 or 5, Tchaikovsky writing ballets and symphonies for his lover in music class, and LGBT history in history class, youth like me would know who these "fags" are, that these terms can be reclaimed or they can be a source of pride instead of a source of shame. That's why these students need our help and support, not bullying and hate.

Ms. Loresa Novy: That is why we are here with the voices of over 10,000 youth who cannot vote but who are asking for your help to support Bill 13. We need you to ensure that the right to talk about LGBTQ communities and to start GSAs is included in this legislation. Teachers, administration and students need to be supported in this. The legislation is like wearing a seat belt; it's the right thing to do, and everyone knows it. Hopefully, it will become law to ensure standards within our province.

Ms. Faye Estrella: This law is about making schools accessible to LGBTQ students by supporting them and their allies in being themselves, allowing schools to facilitate a space to educate on all forms of diversity and human identity.

1100

Ms. Loresa Novy: An all-encompassing policy like Bill 14 does not help us address the problem. Students, teachers and community are asking you to support them when they want to talk about being gay, lesbian, bisexual, trans, two-spirited or queer. Not supporting this will lead to more students dying, feeling isolated and at risk. Not supporting this means that you are ignoring students begging for your help. Silence equals death.

Ms. Faye Estrella: To quote the Egale recommendations regarding Bill 13, it says, "Prof. Elizabeth Saewyc's work in BC shows that rates of suicide have been steadily declining in BC for the general population of grade 8 to 12 students over the last 10-year period where schools have developed generic anti-bullying programs—but not for LGBTQ students."

This is why Bill 14 is seriously weakened with a generic treatment of bullying and its conditions because it doesn't face or address the key social issues, conditions and implications of bullying, such as homophobia, transphobia and biphobia.

Ms. Loresa Novy: Some politicians have said, "Bullying happens." This is unacceptable. When my parents were in school, black students were not allowed in some schools. If we settled for the hate-filled reality that students experience, we would not be doing our job.

Ms. Faye Estrella: Please help us. The students of Ontario need you to take a stand and listen to us. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about seven minutes left. We'll start with the government.

Mr. Yasir Naqvi: Chair, to our earlier conversation, in the interests of time I want to thank the members from Jer's Vision for being here, and hopefully we'll be able to use remaining time for the Youth Services Bureau.

The Chair (Mr. Ernie Hardeman): Is that the wish of the rest of the committee? Any further questions? If not, we thank you very much for your presentation, and this will give us time to hear another delegation.

YOUTH SERVICES BUREAU OF OTTAWA

The Chair (Mr. Ernie Hardeman): Our next delegation—we're putting the other one in right now, Yasir?

Mr. Yasir Naqvi: Yes. That's probably best, and we can make up for the time very quickly.

The Chair (Mr. Ernie Hardeman): Okay. And what was the name?

Mr. Yasir Naqvi: Joanne Lowe from the Youth Services Bureau.

The Chair (Mr. Ernie Hardeman): Joanne, welcome to the committee this morning. We thank you very much for being here to make a presentation and even more to be able to make it on such short notice. Thank you very much for doing that, and we look forward to your presentation.

As with the previous ones, you will have 15 minutes to make your presentation. You can use all or part of that for your presentation. If there's time left, we'll have some questions, or not, from the committee. We do ask if you would state your name for the record before you start your presentation. With that, the floor is yours.

Ms. Joanne Lowe: Absolutely.

Mr. John Yakubuski: Excuse me, Chair. Do we have a written submission as well?

The Chair (Mr. Ernie Hardeman): I can ask the applicant, but I would think not because I don't think she has one ready. But if she does, you will get it.

Ms. Joanne Lowe: We are looking to make a submission before 5 p.m. today, though, a written submission.

The Chair (Mr. Ernie Hardeman): Okay. Thank you very much, and the floor is yours.

Ms. Joanne Lowe: Thank you. My name is Joanne Lowe and I am the executive director of the Youth Services Bureau of Ottawa.

Thank you so much for allowing me to speak about Bill 13 in relation to youth mental health.

Youth Services Bureau of Ottawa supports about 3,000 clients, both parents and young people ages 12 and over, every single month. We provide services to youth who are at high risk of mental and physical harm, including suicide, for reasons that include poverty, family breakdown, addictions, homelessness and social pressures.

Last year during a six-month period, 10% of YSB's mental health walk-in clinic clients came to us with

school and/or bullying issues as their primary complaint. We believe that was an underreporting of the bullying. Often, when a youth reports problems at school, including anxiety and under-performance, upon investigation what emerges are problems with peer relationships and having been the target of bullying. So bullying is not the only cause of mental health symptoms that we see, but it is certainly a common and a significant one for us.

The cost of bullying to individuals is extremely high. It has a negative impact on scholastic achievement and self-esteem, it contributes to depression and anxiety, and can make a young person more apt to use violence either to protect him or herself, or for revenge.

As the Legislature has recognized in bringing forward Bills 13 and 14, the cost of bullying for society as a whole is also large. This includes the cost of treatment of mental health issues that may start in adolescence and become life-long, the loss of potential of young people whose school performance suffers and, at the extreme, the tragic loss of young lives.

There are risk factors that make some young people more vulnerable to bullying. At the primary level, these include having few friends and having an over-protective family environment. At the secondary level, sexual orientation is a primary factor, with 30% to 50% of LGBTTQ youth having been bullied.

Yet bullying is preventable, and that is why the legislation before you is so very important. The prevalence can be reduced, and the negative impacts on young people can in fact be alleviated. Help is available in the form of counselling and services through crisis lines, such as those offered through the Youth Services Bureau, as well as a mobile crisis service or services that are available to support parents and schools.

Supportive responses from parents, other adults, teachers and the school system can help to break the cycle of bullying. Adults can help by taking the problem seriously, supporting non-violent and collaborative problem-solving and addressing the needs for support and treatment for both the victims and the perpetrators of bullying.

One of the most effective means YSB has found to improve youth mental health is to get youth themselves involved. We call it a "youth engagement model," and it means empowering youth to work together, raise awareness and help others as peer-to-peer educators. We have used this model at YSB for over 20 years and have seen many at-risk youth become leaders among their peers, achieve academic success and become healthy and productive adults.

For this reason, we strongly support Bill 13's provisions to mandate support for student-led groups that promote gender equity, anti-racism, respect for people with disabilities and respect for people of all sexual orientations and gender identities.

From our experience, we believe this peer-support model is effective and will complement the policies and activities undertaken by school boards and other agencies across the province, and in particular in our own com-

munity. It will have a positive effect both on school environments and directly on the young people involved.

The legislation will help in other respects. In fact, we believe it will increase accountability, both of young people and of we adults who are responsible for their well-being. It will also increase awareness of and access to mental health services that can benefit both the victims of bullying and, again, the perpetrators or aggressors. This is a definite step forward.

We also hope Bill 13 will lead to increased collaboration among schools and mental health agencies to work together and implement its requirements.

The debate on bullying is an emotional one for everyone, and it tends to focus, understandably, on the victims. At the Youth Services Bureau, like other child and youth mental health agencies, our clients include both the victims and the perpetrators of bullying. In fact, it is not uncommon for a young person who bullies others to have been the victim of bullying initially.

Youth who bully often have lower academic performance and may also be involved at times with the judicial system. They may lack empathy, have a hard time accepting defeat, believe that they've been treated unjustly and be impulsive. Bullying behaviour occurs at every age, starting from preschool and kindergarten. These children and youth are part of our community and will progress to adulthood with these attitudes and behaviours unless there is early intervention.

Young people who bully can be helped to develop empathy, make friends, communicate effectively, and deal with underlying cognitive and behavioural problems. Research suggests that 5% to 15% of them have specific behaviour disorders, but only 4% have been diagnosed and received treatment.

In conclusion, the Youth Services Bureau applauds the work of this Legislature to take a comprehensive approach to preventing and addressing bullying in Ontario schools. This will be a step to improving child and youth mental health in our province through prevention, awareness, youth engagement, and appropriate treatment and services. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about nine minutes, so we have more. We'll start with the official opposition. We'll go around and we'll kind of divide the time up between all three for this one.

Ms. Lisa MacLeod: I have a quick question, Chair.

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: We've played around with the calendar a little bit here. I'm wondering if you can give us an update. Have we missed two deputations?

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: And those, are they going to be tacked on when they show up or are they now—

The Chair (Mr. Ernie Hardeman): No. At the present time—I'm at the committee's disposal. Their time has gone by. They were given a slot of time—

Interjection: One cancelled.

Ms. Lisa MacLeod: One cancelled? And which one cancelled?

The Chair (Mr. Ernie Hardeman): —and they didn't come. So part of that time we're using up as we speak, and part of it of course is just not there, but just to go by them—we had the recess because they weren't here. So we'd have to tack them onto the end, if the committee wanted to hear them.

1110

Ms. Lisa MacLeod: Okay, and just another quick scheduling question: Are you considering bringing other folks who are not on the agenda at this point in time onto the agenda?

The Chair (Mr. Ernie Hardeman): At this point in time—I didn't bring a soul here; it was the committee's choice to hear this delegation.

Ms. Lisa MacLeod: Okay, and we're still looking at the last deputation at 5 p.m.?

The Chair (Mr. Ernie Hardeman): Yes, the schedule is still that way. For the committee's information, there is one this afternoon that has called. We have not got a confirmation that they will not be here, but it appears that they may not be here, and we're waiting for the confirmation of that. So you will have an opportunity to deal with whether you want to put another person who is here into that slot or whether you want to quit 15 minutes before the day is over. That's the committee's choice.

Ms. Lisa MacLeod: My only concern with that is we have turned away a substantial amount of people who would like to have made a deputation.

The Chair (Mr. Ernie Hardeman): I accept that, but we have one day of committee hearings, and the time was filled, and we cannot deal with those who put their names in and then don't show up for the hearing. There's not much we can do about that. It's rather non-productive to suggest that we can call the people who were told they couldn't be here after the meeting has started—

Ms. Lisa MacLeod: I didn't make that suggestion, Chair.

The Chair (Mr. Ernie Hardeman): —to say, "If you were here in an hour's time"—

Ms. Lisa MacLeod: I just want to make sure that people are aware.

The Chair (Mr. Ernie Hardeman): If you would let me finish, Ms. MacLeod. It's very unproductive to suggest that we could call—and I very much appreciate this deputation to be able to be here to present on such short notice, but I don't think that's something you could expect to do this afternoon at 2 o'clock: to call someone, "Could you come and make a presentation at 3?"

Mr. Bob Delaney: Chair, to the point raised by Ms. MacLeod, we will not support any further change in this schedule. We will run on this schedule.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): I asked the committee before this started whether you wanted to change it. We have some time left, then.

Ms. Lisa MacLeod: Okay. I just wanted to say that is my view that we hold, because I know right now I've already gotten an email.

The Chair (Mr. Ernie Hardeman): Any further comments to the deputation?

Ms. Lisa MacLeod: I just wanted to say thank you very much to Joanne for attending today, Chair.

The Chair (Mr. Ernie Hardeman): The third party?

Mr. Peter Tabuns: Yes, if you wouldn't mind. Thank you very much for coming in and making that presentation.

A question has come up from some about the number of youth who commit suicide as a result of bullying and harassment in their schools, and I was wondering: Do you have a sense of the statistics on that in Ottawa or in Ontario as a whole?

Ms. Joanne Lowe: I don't have the statistics on hand, but in fact, the city of Ottawa's public health department is actually in the process of compiling that very information for youth, grades 7 to 12, and we're actually hoping to hear about those sometime in the next six weeks.

Mr. Peter Tabuns: That would be useful to have. Again, could you just speak to the utility of having clubs where young people facing similar problems can come together, compare notes and build a network?

Ms. Joanne Lowe: Absolutely. The concept of peer support or bringing peers together is fundamentally based on an evidence-based practice that's called youth engagement. What we do know is, for youth who share issues in common or even share strengths in common, having the opportunity to connect with other youth in the same situation will often empower them to really speak to what is on their minds and, more importantly, it will also empower them to seek any help that they might need. So it's a very important concept, and it's one that's heavily embedded in most child and youth mental health services in this community, and I would venture to guess across the province, and now in the school boards even more.

Mr. Peter Tabuns: Okay. Thank you very much. Thanks, Chair.

The Chair (Mr. Ernie Hardeman): We have a little time left for the government.

Mr. Yasir Naqvi: I think Mr. Tabuns asked the question I wanted to ask, and I want to thank Ms. Lowe for attending on such short notice, and thank you, Chair, for accommodating a very important voice in Ottawa to be part of this hearing. Thank you.

Ms. Joanne Lowe: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation, again, on such short notice.

MR. RENE LEIVA

M^{ME} VÉRONIQUE OUELLETTE FOHR

The Chair (Mr. Ernie Hardeman): Our next delegation is Véronique Fohr and Rene Leiva. I'm sure

that they will correct, it as I mispronounced their names. Thank you very much for coming in this morning. The clerk will come and get those, and he can pass them out to the committee.

As with previous delegations, you have 15 minutes to make your presentation. You can use any or all of that time. If you leave time in your presentation for questions, the questions will start with the third party this time. We also ask you if you could give your name, pronounced properly, to the Hansard so they can print it in the record. We thank you again for being here, and we look forward to your presentation. The floor is yours.

Mr. Rene Leiva: Good morning, Mr. Chair and members of the standing committee. I appreciate this opportunity to share my views with you today. My name is Rene Leiva. I work as a family doctor.

I'm here today because of two reasons: First, I am the proud father of five children who attend public Catholic schools; and secondly, I am also a citizen who is truly concerned about the issues being brought up before you today. I acknowledge the issue of bullying is a very delicate, complex and extremely painful one, especially for the victims. I also recognize that you have already been presented with excellent summaries of the benefits and challenges found in the current proposed legislation. Therefore, in short, while I fully support the passing of Bill 14, I find the existence of Bill 13 redundant and unnecessary. I will make three premises to back this up.

First premise: Bill 14 seems to fully deal with most of the issues needed to respond to the problem before us. It addresses the challenge in a direct, yet not totalitarian, way. It leaves room for respecting differences and allowing creative ways to flourish among the different schools and philosophies. Besides, the law already exists in paragraph 6 of subsection 306(1) of the Education Act, which deals with bullying. It only needs to be enforced to truly work. On the other hand, Bill 13 is very narrow in scope and seems to focus in a very unbalanced way on one type of individuals, namely those who experience same-sex attraction. In fact, in a 2006 Toronto District School Board research report, it was found that gender, together with income and religion, was the fifth most important reason for bullying, behind body image, grades, cultural background, and language.

At this point, I would like to briefly clarify that as a Catholic and as a man who values the intrinsic dignity of my neighbour, I view everybody as equal regardless of any background. Unfortunately, all too often, Catholics who are faithful to the official teachings of our faith are characterized in a way that—to paraphrase a late bishop, “Whenever we speak against bullying, they call us defenders of the vulnerable, but if we decide to do it within our doctrinal framework, then they try to silence us by falsely accusing us of being bigots and haters.” The latter is nothing more than a calumny.

Second premise: Bill 13 raises a significant number of serious concerns. In summary, to name a few, it has been persuasively shown that: (1) the bill will likely be used to impose gay-straight alliances or similar-content clubs

which stand in complete disregard to the beliefs of the Catholic faithful to the official church doctrine; (2) it fails to address the involvement of the other serious causes behind bullying by focusing almost excessively on one issue alone; (3) it will transfer the power of decision from parents to higher government in areas where the former hold the greatest rights and responsibility; (4) it uses vague definitions such as “homophobia” and several gender terms which are not even fully defined in the medical and legal literature, and can be easily abused in a derogative way to advance an ideology against the morals and faith of others; (5) it represents a transgression upon the denominational agreements recognized in the Constitution with respect to Catholic schools in Ontario.

Third premise, and what brought me mostly into this controversy today: I have seen and read about the reverse bullying and the ridicule to which sincere people of faith have been exposed for defending their religion and morals. The immense majority of these people abhor the act of bullying, but they are always smeared as the main source of the problem. Their only sin is to adhere to the tenets of their faith and morals that proclaim sexual intimacy within the context of traditional marriage, which is a central tenet of Catholic doctrine.

At the core of this problem is that interest groups want to suffocate the central question of the true nature of human sexuality. Unfortunately, this aggressive ideology of homosexuality becomes a danger to lawful autonomy of thought. Those who do not share it are socially marginalized. Unfortunately, any attempt to publically propose an alternative to this is strongly suppressed, and now it is sought to be imposed in the Catholic schools.

Moreover, what about those young people who truly want to be faithful to their beliefs and have same-sex orientation? They will not feel welcome in groups suggested by this bill.

Christian parents and children are falsely brand-named with the incredible, arbitrary accusation of “homophobic” and are scorned. There are plenty of unfortunate examples. As you know well, Mr. Dan Savage, who is the founder of the It Gets Better project, which Premier McGuinty and our current government have collaborated with, often ridicules Christians. On an Evan Solomon CBC show on February 9, 2011, he specifically targeted Christians as a source of homophobia by grossly generalizing, “when mom and dad drag their kids to church, and ... hear from the pulpit ... God hates fags....”

1120

If one googles the term “Catholic” on the Canadian site from Egale, mygsa.ca, whose goal is to promote gay-straight alliance groups, one will find statements accusing the Catholic doctrine about homosexuality of being “contradictory and fundamentally homophobic.”

Activist individuals such as those from Internet sites like catholicstudentsforgsas explicitly state that their goal is to ban “harmful” official Catholic teachings in the schools. One will also find support for unrelated areas in conflict with Catholic doctrine, such as the promotion of abortion.

Therefore, all doubt should be removed that part of the intentions of these groups in Catholic schools is to diverge, deride and mislead others from the long-standing official teachings of the Catholic faith.

As a parent with young children in Catholic schools, I strongly oppose this. Bill 13 will make the existence of these groups in schools mandatory, if requested, and it will impose the use of policies in conflict of the students’ and parents’ religious and moral beliefs. In addition, culturally speaking, large numbers of parents and students with traditional views on sexuality and marriage, such as those coming from a Hispanic background like myself, will also feel this bill grossly infringes on our fundamental right of freedom of conscience and religious beliefs.

If Bill 13 passes, it will force an objective violation on Catholics to go against the core doctrines of the sacrament of marriage, the sixth commandment of the Decalogue and other biblical commands. The latter also applies to other religions, notably Jewish and other Christians.

I don’t want to curse in the dark without trying to light a candle first, so I will turn to what I believe are some solutions to the problem of bullying in specific reference to Bill 13 and Catholic schools. Bullying is the problem, so this should be the focus. At the risk of falling on deaf ears, I will state that the objective should be to support approaches that respect the intrinsic dignity of the human person. Specifically, I have three comments.

(1) The Canadian Catholic church, in its document Pastoral Ministry to Young People with Same-Sex Attraction, states: “To assist young persons with same-sex attraction it is necessary to understand the enormous pressures to which they are frequently subjected: unjust discrimination, the sense of invisibility and isolation, and ignorance of their particular situation. We deplore all such attitudes and actions.” By the cultivation of a true, non-selfish friendship and the sharing of the real meaning of sexuality within love and marriage, we can get at the root of our problem. Practically speaking, this paper should be read and discussed in Catholic school classrooms. This dialogue should give rise to a search for the objective truth; otherwise, we may end up debating my right against your right, which leads nowhere.

Religion and reason, if both true, should be the same and be a source of unity. Faithful Catholics abhor violence and suicide of any nature. In fact, in Quebec, where the Catholic schools were removed in 1998, the suicide rate among teens is still the highest in Canada. One thing I have learned in 12 years of medical practice: religion is protective against suicide risk.

(2) The document Respecting Difference, from the Ontario Catholic School Trustees’ Association, details some very useful particulars on how to deal with this problem.

(3) Unfortunately, given the nature of extremely offensive proselytism of some interest groups as previously mentioned, clubs need to be approved and overseen to assure they don’t become a source of contempt against Catholic students and parents loyal to the official church position on sexuality.

In summary, Bill 14 is the legislation we need to help in the fight against bullying. Bill 13 will only create division and resentment in our society, and it potentially can lead to an opposite effect to what it intends to do. Imposition, from whatever side, never works, and this is what Bill 13 does. True and compassionate friendship, charitable and empathetic dialogue and the honest search for the ultimate objective truth by everyone involved will do. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much.

M^{me} Véronique Ouellette Fohr: Bonjour. Mon nom est Véronique Ouellette Fohr. Je réside à Ottawa dans la circonscription de Dalton McGuinty. Je détiens une maîtrise en économie des Hautes Études Commerciales de Montréal.

I'd like to say, like everyone else, I'm happy to be here today—I'll be honest; I'd rather not be here today, but I am thankful for the opportunity to voice my opinion. I have to say it was painful for an economist like me to pore over law documents on this beautiful long weekend, but the repercussions of this bill are so important that I felt compelled to come and challenge it.

I have five kids. They love action adventures like *Star Wars* and the *Lord of the Rings*, and so today I want to talk to you about shields and swords. As an initial comment, efforts for the law to act as a shield to protect students from bullying using reasonable means is a laudable goal. By all means, I agree with Jer's Vision that says nobody should be called "gay," "faggot," "lesbo," "dyke." I wholeheartedly agree with that, and there shouldn't be any physical aggression. However, I disagree with the way to go about the anti-bullying.

Cependant, une proportion des modifications de la Loi sur l'éducation traite spécifiquement de l'intimidation basée sur l'identité fondée sur le genre et l'orientation sexuelle, ainsi que la promotion du conseil de cette vision, tel qu'indiqué dans le sixième paragraphe du préambule et aussi le paragraphe proposé, 303.1(d), et plusieurs références aux incidents fondés sur l'homophobie.

Le but de cette emphase sur l'identité fondée sur le genre semble d'être d'appuyer le plan d'action du ministère de l'Éducation, tel qu'annoncé en même temps que l'introduction du projet de loi 13. Ce plan inclut l'opinion du gouvernement que des actions spécifiques sont requises face au problème d'intimidation basée sur l'identité sexuelle et l'identité fondée sur le genre au sein de la politique d'équité et d'éducation inclusive. Pourquoi?

Well, that's my reasoning. When bullying happens in other situations such as due to race, gender or creed or body size, preventing bullying mostly consists of stopping the aggressive behaviour and protecting the person being bullied. So these parts of Bill 13 essentially use the law as a shield to protect students from such aggressive behaviour.

Cependant, dans le cas d'intimidation basée sur l'identité fondée sur le genre et l'orientation sexuelle, le plan du ministère d'inclure une politique d'équité et

d'éducation inclusive, telle qu'on peut trouver au paragraphe 29.1 du projet de loi 13, laisse clairement supposer que le curriculum sera révisé pour adresser les questions d'identité sexuelle et d'orientation sexuelle.

Le contenu de cette politique n'est pas défini, mais il est clair dans le texte du projet de loi que le contenu de cette politique est entièrement à la discrétion du ministère de l'Éducation. Le document présentement disponible sur cette politique, qu'on peut retrouver sur leur site web, est la Stratégie ontarienne d'équité et d'éducation inclusive. Alors, j'ai regardé ce texte. À la page 26, le document fait mention de la Stratégie pour la sécurité dans les écoles, et cette stratégie comprend la révision du curriculum pour faire en sorte que des sujets comme la violence sexiste, l'homophobie, le harcèlement sexuel et les comportements sexuels répréhensibles fassent l'objet de discussions et d'interventions à l'école dans les salles de classe.

Est-ce que la révision du curriculum présentera ces théories sur l'identité sexuelle et l'orientation sexuelle telles qu'on peut les retrouver décrites dans le projet de loi—LGBTBBIQ—comme étant la définition officielle du genre? À quel moment et de quelle façon ces notions seront-elles présentées à nos enfants dans nos écoles?

De plus, le terme « homophobie » est mentionné plusieurs fois, sans toutefois être clairement défini dans la Loi 13, et est considéré comme étant un comportement inapproprié requérant des mesures disciplinaires.

Will questioning these novel theories on gender identity, either by students, teachers or parents, be viewed as homophobia and therefore inappropriate behaviour by the minister that is subject to disciplinary measures? This is our concern, and this is where there could be reverse bullying for those with different views upon the subject based on deeply held moral and religious views—essentially, matters of conscience.

Moreover, the proposed new section 301(3.1) says that an entity wishing to use a public school shall be required to follow a code of conduct which is to be developed in a way that is consistent with the views espoused by Bill 13. This would effectively prevent individuals that disagree with this code of conduct—perhaps due to conscientious objections regarding gender identity views—from using public school property. How is that related to bullying in schools?

This is effectively turning a statutory shield meant to protect students into a sword that effectively says that you can't disagree with the prevailing government's view on contentious moral issues such as how to define gender.

Because of the inclusion of these gender identity viewpoints in Bill 13, ordinary people like me cannot in good conscience support this bill. This is a shame, because I would have been most happy to support a bill which simply shields students from bullying.

An anti-bullying law should act as a shield to protect the student, using widely accepted and reasonable means, not as a sword to impose a thought policy about gender identity, which, if reasonable people disagree with, they will be prevented to use school property.

The shield approach is, “You shall not bully people that come from different backgrounds, ancestry or ways of thinking.” The sword approach says, “You shall not have a way of thinking that is different than the government-promoted view.”

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does conclude fully the 15 minutes. Thank you very much for having come in this morning to make that presentation.

1130

M. GUY DACQUAY

The Chair (Mr. Ernie Hardeman): Our next presenter is Guy Dacquay. Thank you very much for coming in this morning. As you’ve probably heard from previous delegations, you have 15 minutes in which to make your presentation. You can use all or part of that for making your presentation. If there’s sufficient time left at the end of that, we will have questions. The questions begin with the official opposition. With that, the floor is yours, and if you would state your name for the record before you start your presentation. We thank you again for being here.

M. Guy Dacquay: Mon nom est Guy Dacquay. Je suis père de famille. Je fais ma présentation en français, pour vous donner un moment pour mettre vos écouteurs si vous écoutez la traduction.

Cher monsieur le Président et membres du comité, merci de me donner l’occasion de vous présenter mes commentaires au sujet du projet de loi 13, 2012 pour des écoles tolérantes et du projet de loi 14, 2012 sur la lutte contre l’intimidation.

Mon épouse Christine et moi avons vu s’épanouir nos six enfants, qui ont fait leurs études aux écoles du Conseil des écoles catholique du Centre-Est. Je travaille pour la fonction publique du Canada depuis 28 années et j’ai travaillé comme bénévole et animateur pendant plusieurs années dans le mouvement Scout. Je suis présentement parent membre du comité de la participation des parents pour notre conseil d’école.

Avant de vous présenter mes commentaires détaillés sur les projets de loi 13 et 14, j’aimerais aborder quelques points généraux. Au départ, je me demande pourquoi le gouvernement a décidé qu’un projet de loi touchant à l’intimidation était nécessaire quand il y a déjà des lois en place qui protègent les personnes contre les menaces et les agressions, et que toutes les écoles ont déjà des politiques de discipline qui servent à assurer l’ordre et le bien-être des étudiants sur leur territoire.

Je sais qu’il y a eu quelques cas tragiques de suicide dans la province de l’Ontario ces dernières années concernant des élèves qui auraient été victimes d’intimidation. Malgré ceci, il n’y a présentement rien qui empêcherait les écoles et leur conseil de mettre en place des programmes de communication pour aider à sensibiliser les élèves à ce sujet et de former leurs professeurs sur les connaissances et méthodes qui pourraient faciliter l’éducation contre l’intimidation.

Étant victime moi-même d’intimidation physique et verbale durant mes années d’école, je peux vous avouer le rôle important qu’ont joué mes parents et professeurs à cet égard, et je vous en donne un exemple. Quand j’étais en neuvième année, un jour, un de mes professeurs d’école a pris l’initiative de parler à ma classe au sujet d’un incident qu’il avait vu dans les couloirs d’école et qui m’impliquait. On m’appelait souvent des noms et on m’insultait, et je n’avais pas une grande estime de soi. Lorsque la classe débuta, le professeur m’a demandé de lui rendre un service et j’ai quitté la salle pendant un court moment. Pendant que j’étais parti, le professeur a questionné les élèves à mon sujet et a fait le point sur ce qu’il a vu se passer dans les couloirs. Il leur a fait un discours sur l’intimidation et les conséquences néfastes que cela pourrait avoir à mon égard dans mon futur, si cela n’arrêtait pas. Étant donné que ce professeur était très populaire avec les élèves, son message a été écouté attentivement et dès ce moment, ma vie sociale a changé du tout au tout. Après cet événement, j’avais beaucoup d’amis et on m’invitait souvent à des sorties. Mon estime de soi a augmenté rapidement et j’ai pu m’épanouir. Je dois énormément à ce professeur et je lui suis aussi reconnaissant de son attention et de son initiative d’intervention à mon sujet. Il n’a pas eu besoin de loi spéciale pour accomplir sa responsabilité d’éducateur.

Alors, comme vous pouvez le constater, je suis contre l’intimidation. Je respecte toutes les personnes, quelle que soit leur race, leur sexe ou leur croyance religieuse. Je respecte aussi les personnes qui sont d’orientation gaie ou lesbienne, quoique je n’accepte pas, vu ma foi catholique et chrétienne, de promouvoir la pratique de ce genre de sexualité. Comme tous les humains, je crois que les personnes gaies et lesbiennes sont des personnes qui doivent être traitées dignement et non pas harcelées ou intimidées.

Cependant, en étudiant le projet de loi 13, j’ai remarqué qu’un très grand accent est placé sur la promotion de l’inclusion et de l’acceptation du style de vie des gaies et lesbiennes, ainsi que sur la mise en place de clubs spéciaux à cet égard par tous les conseils et les écoles de la province, même si cela irait à l’encontre des croyances morales et religieuses des parents. Étant donné que les parents ont la première responsabilité et le droit de choisir l’éducation de leurs enfants, les obligations imposées par ce projet de loi seraient carrément injustes et un affront à leur égard, ainsi qu’à l’égard des églises auxquelles ils pourraient être associés. Par ces règlements, est-ce que l’État veut commencer à contrôler les croyances et les enseignements des églises? Cela, à mon avis, serait une grave injustice envers le droit fondamental à la liberté religieuse des personnes, ainsi qu’une attaque directe contre le système confessionnel en Ontario.

Un autre volet à considérer à ce sujet est l’effet néfaste que pourrait avoir l’étiquetage d’un club spécial établi pour les élèves gais et lesbiennes. Je crois que cela pourrait apporter une attention particulière et désordonnée envers ce groupe de jeunes qui pourrait les

exposer encore plus à l'intimidation si leur raison de former ce club est basée seulement sur leur orientation sexuelle. Si les écoles veulent créer des clubs ou des groupes pour aider à rassembler et faire participer les élèves qui sont souvent mis à l'écart, des groupes neutres tels qu'un club d'activité pourraient être propices. Et quand je parle de club d'activité, on parle de jeux, de sorties, et cetera. En effet, ce genre de club existe déjà à l'école secondaire où allaient mes jeunes et a connu un bon succès, et continue de l'avoir.

En comparaison au projet de loi 13, le projet de loi 14 est bien mieux élaboré, car il traite strictement des politiques des conseils et écoles touchant à l'intimidation de façon générale, sans apporter une attention particulière à aucun groupe spécifique. À cet égard, le projet de loi 14 n'exige pas que les écoles mettent sur pied des clubs ou des groupes spéciaux pour rassembler les élèves gais, lesbiennes, et cetera.

Les définitions proposées pour l'intimidation dans le projet de loi 14 et les actions demandées des conseils et écoles dans ce projet de loi sont raisonnables et clairement rédigées. Oui, à mon avis, le projet de loi 14, tel que présenté, servirait bien à tous, car il ne contient pas de règlements ayant un enjeu controversé envers aucune personne, quelle que soit leur orientation, leurs croyances morales ou leur appartenance religieuse. Je serais prêt à appuyer le projet de loi 14 dans sa totalité.

Par rapport maintenant au projet de loi 13, je ne pourrais pas appuyer ce projet tel que présenté, et j'aimerais maintenant vous apporter mes commentaires principaux sur des clauses spécifiques.

Dans le préambule, aux paragraphes 5 et 6, au sujet de l'inclusivité et de l'équité des écoles, je ne viserais pas spécifiquement les personnes d'orientation gaie, lesbienne, et cetera, tel qu'indiqué. Cela mettrait une emphase sur l'acceptation du style de vie de ces gens par toutes les écoles, ce qui irait à l'encontre des croyances morales et religieuses des parents qui ne l'acceptent pas. On devrait simplement traiter de l'intimidation en général tel que le fait le projet de loi 14, qui ajoute aussi des faits statistiques pertinents à ce sujet dans son préambule.

Allons aux paragraphes 1(1) et 1(2). Dans la définition proposée pour l'intimidation, l'expression « ou dont l'élève devrait savoir qu'il aura vraisemblablement cet effet » n'est pas bien dite. Quand on traite de l'intimidation, c'est toujours l'intention d'une personne de faire du mal envers une autre qui doit compter. En général, la définition présentée dans le projet de loi 14 à l'alinéa 1.2 est plus claire et mieux abordée.

Au paragraphe 2(1), dans ce règlement les politiques des conseils et écoles par rapport à l'inclusivité et l'équité doivent être conformes aux exigences du ministre. Mais là, je crois que cela donnerait trop de pouvoir au ministre, qui pourrait dicter des positions qui seraient à l'encontre des valeurs morales et religieuses des conseils catholiques et de leurs écoles. À quoi serviraient alors les conseils d'écoles composés de nos membres élus? Le ministre devrait plutôt apporter simplement des lignes directrices auxquelles les conseils

et écoles pourraient se référer pour élaborer leurs politiques à ce sujet, comme c'est proposé dans le projet de loi 14.

Allons maintenant au paragraphe 3(1). Je reconnais que la promotion d'un climat scolaire positif doit être inclusive pour que tous les élèves se sentent acceptés et respectés dans leur dignité humaine. Cependant, ce n'est pas de dire qu'on doit aussi accepter leurs actions ou styles de vie si cela est contraire à la moralité et aux croyances religieuses. L'exigence devrait être modifiée afin de prévenir qu'elle soit mal interprétée et qu'elle ne mène pas à des interprétations contentieuses qui ne respecteraient pas les croyances morales et religieuses des personnes.

1140

Au paragraphe 3(2), l'exigence pour les sondages ne précise pas ce qui serait demandé par le sondage et n'indique pas non plus ce qui serait fait avec l'information du sondage une fois terminé. Plus d'information et de précisions seraient requises à cet égard. Sinon, ça laisse sous-entendre que le ministre n'aurait aucune restriction quant à ce qu'il—ou elle—pourrait exiger dans les politiques et lignes directrices.

À l'article 4, au point (2) de la clause 300.0.1, la violence verbale et physique n'est pas bien abordée. L'accent mis sur les incidents basés sur l'homophobie n'est pas acceptable si on entend par « homophobie » la pensée des personnes qui ne sont pas d'accord avec le style de vie des personnes d'orientation gaie ou lesbienne et qui communiquent leur croyance à cet égard.

Au point (5) de la clause 300.0.1, la description des démarches disciplinaires à suivre est trop vague. La description présentée dans le projet de loi 14 est bien moins ambiguë et plus spécifique à cet égard.

Au paragraphe 7(2), par rapport à une entente faite par un conseil avec un autre groupe qui loue les locaux de l'école, on indique que ce dernier doit respecter les normes qui sont compatibles avec le code de conduite établi. Mais à la suite des politiques qui seraient mises en vigueur par le conseil en vertu du projet de loi 13, est-ce que cela veut dire que les locaux d'une école pourraient être loués par des organisateurs de parade de fierté gaie, mais non pas par des groupes d'église chrétienne qui n'acceptent pas les activités des personnes gaies et lesbiennes? Cette exigence peut mener à des abus et n'est pas nécessaire.

Au paragraphe 7(3), l'expression « comportements inappropriés » n'est pas bien définie dans les clauses présentées. La violence verbale et physique n'y est traitée nulle part non plus, ce qui nuit à l'encadrement des comportements qui seraient inappropriés. En considérant la définition d'« intimidation » telle que présentée dans ce projet de loi, elle pourrait être interprétée de façon à inclure tout comportement, comme, par exemple, le port d'un tee-shirt avec un message chrétien dont certains groupes pourraient peut-être s'offenser. L'expression « comportements inappropriés » devrait donc être bien définie pour éliminer cette possibilité d'abus.

Aux paragraphes 7(4) et 8(2), par rapport aux politiques et lignes directrices du ministre sur la

prévention de l'intimidation et les mesures disciplinaires, le même commentaire que j'ai donné au paragraphe 2(1) ci-haut s'applique. Cela donnerait trop de pouvoir au ministre, qui pourrait dicter des positions controversées contre la moralité et les croyances religieuses des parents et élèves. Je crois que le ministre devrait plutôt simplement apporter des lignes directrices que les conseils et écoles pourraient utiliser comme référence, en mettant sur pied leurs politiques à ce sujet, tel que proposé dans le projet de loi 14. La mise en oeuvre d'un plan de prévention de l'intimidation, tel qu'il serait exigé des conseils d'écoles dans la clause 303.2 du projet de loi 14, est mieux décrite et présentée dans son ensemble et serait plus efficace que ce qui est proposé par le projet de loi 13.

Il est noté que le projet de loi 13 ne fait aucune mention de l'inclusion des parents dans le processus d'établissement des politiques contre l'intimidation. Or, les parents doivent être consultés sur les exigences auxquelles seraient sujets leurs enfants. Ce principe est bien traité dans les exigences du projet de loi 14 dans le point (3) de la clause 303.2.

Enfin, à l'article 9. En général, cet article ne traite pas des élèves qui paraissent différents des autres, par exemple, ceux qui sont obèses ou minces, qui portent des lunettes, qui ont des broches sur les dents ou qui sont maladroits. Ces personnes sont très souvent l'objet de ridicule et ils constituent une grande partie des cas d'intimidation.

Dans le point (d) de la clause 303.1, ça vise la promotion d'activités ou de la formation d'organisations qui appuient en particulier le style de vie homosexuel. Tel que déjà mentionné dans mes commentaires généraux et spécifiques, la mise sur pied d'un groupe de ce genre apporterait une attention trop particulière envers les gais et lesbiennes que je crois pourrait être encore plus néfaste envers eux, et forcerait les écoles à promouvoir les actions ou styles de vie inacceptables par rapport à la moralité et aux croyances religieuses. Par conséquent, cette exigence doit être retirée par respect des croyances morales et religieuses des personnes.

Cela termine mes commentaires au sujet des projets de loi 13 et 14. Merci, messieurs et mesdames, de votre attention. Je me laisse ouvert à vos commentaires.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That does take up the full 15 minutes. We thank you very much for your presentation and we look forward to using all the information in our deliberations as we deal with the bill, as we move forward. Thank you again.

M. Guy Dacquay: Merci.

M. BERNARD COUTURE

The Chair (Mr. Ernie Hardeman): Our next delegation is Bernard Couture. Thank you very much for coming in this morning. We do appreciate it. As with the previous delegations, you'll have 15 minutes in which to make your presentation, and you can use any or all of that time for your presentation. If there's time left for

questions at the end of the presentation, the questions will go to the official opposition. With that, before you start your presentation we would ask you to give your name so it can be correctly pronounced in the printing. If you would just give it to the Hansard, they will put it into the record. With that, the floor is yours for the next 15 minutes. Thank you very much.

M. Bernard Couture: Thank you. My name is Bernard Couture.

Alors, bon après-midi, monsieur le Président, mesdames et messieurs les membres du comité. Je vais faire mon allocution en français, si vous le permettez. Merci de nous donner la possibilité de vous parler aujourd'hui. Comme je l'ai dit, je m'appelle Bernard Couture et j'habite Ottawa. Je suis un simple père de famille. Je n'ai jamais participé à une audience publique par le passé et je suis bien occupé par mes deux enfants et mon travail. Mais si je suis ici aujourd'hui, c'est que l'enjeu dont on discute me paraît tellement important que j'ai voulu m'exprimer à son sujet.

La réalité de l'intimidation à l'école est une réalité dont je peux parler en connaissance de cause, et ce, pour deux raisons.

Premièrement, j'ai moi-même été victime d'intimidation quand j'étais adolescent. Je sais donc quelles souffrances elle peut causer.

La deuxième raison pour laquelle l'intimidation me concerne personnellement, c'est parce que j'ai un jeune enfant handicapé. Je sais bien que mon garçon est vulnérable aux moqueries et aux insultes à l'école—c'est pratiquement inévitable—et je veux l'en protéger le plus possible.

Tout le monde, je pense, s'entend sur l'objectif à poursuivre. Il faut protéger les jeunes vulnérables contre les moqueries, les attaques et les violences, qui peuvent aller jusqu'à pousser à la dépression et au suicide.

Notre expérience à tous nous le montre : les personnes qui sont victimes d'intimidation le sont pour de nombreuses raisons, dont la plus fréquente semble être l'apparence physique.

Comment lutter contre ce problème? Le message que j'ai moi-même reçu de mes parents, et que je donne moi-même à mes enfants, me semble simple et efficace : il ne faut pas rire des autres; il ne faut pas se battre avec les autres; il faut le dire au professeur quand il y a un problème, et les professeurs et le directeur doivent agir quand ils reçoivent une plainte. C'est ce message général que je veux que nos écoles donnent aux jeunes.

Comme parent et comme catholique, je ne veux pas que la lutte légitime et nécessaire contre l'intimidation devienne un prétexte, une excuse, une raison détournée pour faire la promotion de quelque chose d'autre, c'est-à-dire, en l'occurrence, une certaine vision de la sexualité.

Malheureusement, le projet de loi 13 tombe dans ce piège. En effet, tout au long du texte de la loi, on trouve de nombreux articles qui insistent de manière suspecte sur la question précise des tendances homosexuelles. J'aimerais donc passer en revue les principaux articles du projet de loi 13 qui accordent une importance particulière

à cette question des tendances homosexuelles, et montrer en quoi ils posent problème.

Premièrement, dès le préambule de la loi, on peut lire que les élèves « doivent être munis des connaissances ... attitudes et valeurs nécessaires pour ... acquérir une conscience critique qui leur permet d'agir afin de rendre leurs écoles et leurs collectivités plus équitables ... pour tous, y compris les personnes » à tendance homosexuelle.

Comment interpréter ce texte dans le contexte des écoles catholiques? L'école catholique sera-t-elle obligée d'ouvrir ses portes aux nombreux activistes qui, justement, critiquent l'enseignement catholique sur la moralité sexuelle?

Il y a plus. Pourquoi le préambule nomme-t-il expressément à cet endroit les jeunes à tendance homosexuelle, alors qu'il ne nomme aucune autre catégorie de jeunes vulnérables? Les jeunes à tendance homosexuelle forment-ils la majorité des victimes d'intimidation? L'expérience et les études nous montrent que non. Les souffrances de ces jeunes sont-elles pires que celles de tous les autres jeunes victimes d'intimidation? Je ne crois pas. Je trouve qu'il est simplement injuste de mentionner dans le préambule un groupe d'élèves en particulier, sans mentionner aussi tous les autres.

En passant, l'acronyme qui est utilisé à cet endroit pour désigner les jeunes à attirance pour les personnes de même sexe est LGBTTBQ. Cet acronyme interminable n'est pas utilisé dans la population ordinaire, et les termes qu'il sert à désigner—bispirituel, queer, intersexué, et cetera—sont contestés pour plusieurs raisons par une forte proportion des parents. Cette terminologie vient en fait de certains groupes de pression, ce qui donne à penser que ces groupes ont eu une grande influence sur le texte de la loi. Je crois que toute terminologie à dimension idéologique comme celle-ci doit être retirée du projet de loi et remplacée par des termes objectifs et descriptifs que la population utilise et reconnaît.

1150

Un peu plus loin dans le préambule et plusieurs fois dans la suite du texte, on emploie le terme d'« homophobie ». Encore une fois, ce terme peut être interprété de bien des façons. Pour beaucoup d'activistes et de militants, par exemple, toute idée ou conviction catholique sur la moralité sexuelle et la chasteté est foncièrement homophobe. Cette loi ne risque-t-elle pas par conséquent de rendre inacceptable, au sein même des écoles catholiques, l'enseignement catholique sur la sexualité? Les allusions à l'homophobie, terme équivoque et chargé idéologiquement et politiquement parlant, devraient être supprimées dans le projet de loi.

Au paragraphe 2(1), on lit que les conseils seront tenus d'élaborer et de mettre en oeuvre une politique d'équité et d'éducation inclusive, et que celle-ci devra être soumise au ministre de l'Éducation. Mais qu'est-ce qu'une politique d'équité? Pourra-t-elle être conforme à l'enseignement catholique, ou devra-t-elle plutôt obligatoirement reprendre la vision idéologique de certains groupes de pression? Le ministre pourra-t-il obliger les écoles catholiques à enseigner le contraire de

ce qui est conforme à la foi des parents? Cette exigence devrait être supprimée.

Au paragraphe 4, on vise la mise en place d'une « démarche disciplinaire qui favorise des comportements positifs et qui emploie des mesures ... pour réagir aux comportements inappropriés ». Qu'entend-on exactement par cette démarche disciplinaire? Dans les écoles catholiques, les élèves qui professent leur foi et prônent la moralité catholique traditionnelle risquent-ils de se faire accuser de ne pas avoir une attitude positive envers l'homosexualité en particulier?

À ce sujet, il ne faudrait pas oublier que dans la société d'aujourd'hui, les jeunes qui décident d'attendre de se marier avant de devenir sexuellement actifs sont eux aussi souvent victimes de moqueries et de méchancetés de la part de leurs pairs. Le projet de loi 13 risque donc de marginaliser encore plus ces jeunes chrétiens, qu'on accusera peut-être d'être homophobes du moment qu'ils expliqueront les raisons de leur chasteté.

Au paragraphe 7(2) du projet de loi, on exige des conseils qu'ils ne permettent l'utilisation de leurs locaux qu'à des entités qui respectent des « normes qui sont compatibles avec le code de conduite ». Cette disposition ne pourrait-elle pas être invoquée pour interdire aux écoles catholiques de prêter leurs locaux à des groupes ou à des personnes qui enseignent la morale sexuelle catholique, puisque celle-ci est considérée à tort comme homophobe, non inclusive ou non équitable par certains? Cette exigence, elle aussi, devrait être supprimée.

Enfin, nous arrivons à l'article 9, qui est peut-être le plus contestable de tous. Les conseils y sont obligés de permettre dans leurs locaux les clubs gai-hétéro sous ce nom ou sous un autre nom. Nous avons là un énorme problème.

Premièrement, il me semble que ces clubs risquent surtout d'exposer leurs membres à encore plus de moqueries, puisqu'ils révèlent publiquement un aspect de leur vie privée et intérieure. Est-il vraiment judicieux, à l'école secondaire, de faire étalage de sa sexualité intime? Ne risque-t-on pas d'empirer ainsi le sort des jeunes dans cette situation?

Deuxièmement, l'adolescence est pour beaucoup une période de confusion émotionnelle, identitaire et sexuelle. Est-il judicieux d'inciter les jeunes à s'identifier si tôt dans leur développement à une orientation, quand il est possible qu'ils se méprennent sur la nature de leurs idées ou de leurs sentiments?

Mais le principal problème lié aux clubs gai-hétéro, c'est que ces organisations, de par leur nature, peuvent très difficilement s'en tenir à l'enseignement catholique. Comment empêcher qu'elles ne dérapent et deviennent des lieux où des comportements, voire des politiques, contraires à la foi catholique ne soient prônés?

À ce sujet, il convient de signaler que la richesse et la beauté de l'enseignement catholique sur l'homosexualité, qui est très éloigné des caricatures et des simplifications qu'on entend souvent à son sujet, a été présenté avec une grande délicatesse et intelligence par la Conférence des évêques catholiques du Canada dans un document intitulé

Le ministère pastoral auprès des jeunes ayant une attirance pour les personnes du même sexe. Tous les intervenants dans le débat sur le projet de loi 13 auraient grand intérêt à prendre connaissance de ce texte de l'église du Canada.

Chose certaine, obliger les écoles catholiques à appuyer des clubs qui vont pratiquement certainement mener à la promotion d'une doctrine contraire au catholicisme, c'est obliger les écoles catholiques à ne plus être catholiques. C'est les condamner à l'incohérence, condamner les élèves à la confusion, et brimer le droit constitutionnel des parents.

De plus, comment l'école catholique pourra-t-elle, dans cette situation, empêcher la création d'une multitude d'autres clubs consacrés à des idéaux non catholiques, voire anticatholiques? Comment empêcher, par exemple, la création de clubs pro-choix ou de clubs athées? Après tout, le même argument fautif qu'on avance pour justifier les clubs gai-hétéro—c'est-à-dire qu'ils sont essentiels au bien-être physique et émotif des jeunes—devrait logiquement s'appliquer à tous les jeunes qui s'identifient à un quelconque groupe, qu'il soit ou non conciliable avec la foi catholique.

Si on compare maintenant le projet de loi 13 avec le projet de loi 14, on constate que tous les problèmes soulevés précédemment sont absents du projet de loi 14. En effet, ce dernier s'en tient à la lutte contre l'intimidation. Contrairement au projet de loi 13, il ne dissimule pas une tentative d'imposer à toutes les écoles, y compris aux écoles catholiques, une certaine vision de la sexualité.

C'est pourquoi, en conclusion, je demande que le projet de loi 13 soit abandonné au profit du projet de loi 14, ou à tout le moins, que toutes ses dispositions problématiques soient supprimées, ou qu'une disposition spéciale soit ajoutée pour protéger explicitement les écoles catholiques de l'obligation d'appuyer l'enseignement de valeurs, d'idées ou de comportements en contradiction avec leur foi. Merci beaucoup.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about two and a half minutes, so, official opposition?

Ms. Lisa MacLeod: I really appreciate you coming in today. It has been very nice to have a couple of francophone presentations. In Toronto, we often lack that unless we have folks coming from the north or from here, the—as we like to call it, the far east. I really appreciate your—

Interjections.

Ms. Lisa MacLeod: They're laughing at me. John Yakabuski is also from the east, so he gets where we're coming from.

Mr. John Yakabuski: Not the Far East, though.

Ms. Lisa MacLeod: Actually, Jean-Marc Lalonde used to say he was from the far east because he would see the sun before anybody else in Ontario. Since my riding was right next door, we were the second-best, in Nepean—Carleton, at getting the sun.

Just a quick thanks for coming today to present to committee. I really appreciated your views and I think

it's really important that they were expressed in French. No further questions—just to say thank you very much for coming downtown today.

The Chair (Mr. Ernie Hardeman): Thank you very much for your comments. We appreciate you coming in this morning. With that, the committee stands recessed until 1 o'clock.

The committee recessed from 1158 to 1300.

M. JOEL DU BROY

The Chair (Mr. Ernie Hardeman): I call the Standing Committee on social justice back—Social Policy. Why is it I say that? I had, for many years, an organization in my riding called Social Policy. Anyway, we're back in session.

Our first delegation is Joel Du Broy. He's already at the table, ready to go. We thank you very much being here. You will have 15 minutes to make your presentation. You can use any or all of that time to make your presentation. If, at the end of your presentation, there's sufficient time to have questions, we will have questions from the panel, and I believe the first one is the third party.

So, with that, the next 15 minutes are yours, and if you would, state your name for the record at the start of your presentation.

Mr. Joel Du Broy: My name and what?

The Chair (Mr. Ernie Hardeman): Your name before you start your presentation, for the record. Thank you.

M. Joel Du Broy: My name is Joel Du Broy. Je m'appelle Joel Du Broy. Je vais présenter en français, so anglophones, please put on their headphones.

Bon après-midi, monsieur le Président et membres du comité. Je m'appelle Joel Du Broy. Alors, personnellement, je suis convaincu qu'il y a un grave besoin d'imputabilité dans nos écoles en Ontario. J'ai fait mes études dans plusieurs écoles francophones à Ottawa et j'ai été victime de l'intimidation. Malheureusement, je n'avais pas accès à un médiateur pour me défendre. De la maternelle jusqu'à environ la quatrième année, notre bibliothécaire m'embêtait beaucoup. Elle me disait toujours de me taire, même si je ne parlais pas plus que les autres. À un moment donné, je communiquais avec une amie par écrit et elle m'a intimidé, disant que j'échangeais des notes d'amour. Je détestais les heures à la bibliothèque à cause d'elle. Malheureusement, étant donné son ancienneté, je ne pouvais que rêver du moment de sa retraite.

Après la retraite de la bibliothécaire, je m'attendais à un peu de soulagement. Malheureusement, ce ne fut pas le cas. Alors, en cinquième année, un jeune qui était nouveau à mon école primaire a convaincu toute notre classe que j'étais moi-même homosexuel. Il semblait avoir peur de moi pour cette raison. En cinquième année, je confirme que je n'avais pas encore d'attraction sexuelle. Alors, j'étais ni homosexuel, ni hétérosexuel, ni bisexuel, ni quoi que ce soit. Je croyais dans ma tête qu'un jour je serais attiré au même sexe, en fait.

Quelques ans plus tard, j'ai développé des attractions sexuelles au sexe opposé.

En sixième année je me suis inscrit à une autre école pour essayer de renouveler mon environnement social. Ce n'était pas facile, mais c'était beaucoup mieux que de rester dans la même école où j'avais perdu mes amis. Ensuite, arrivé au secondaire, j'avais retrouvé mon ennemi de la cinquième année. Par contre, une fois au secondaire, il s'est déjà déclaré lui-même homosexuel et c'était évident dans son comportement. En cinquième année, je n'avais personne pour me défendre de ce tyran.

Bon, dernièrement, le projet de loi 13 a stimulé pas mal d'articles dans les médias. On a proposé cette loi étant donné le suicide d'un adolescent qui fréquentait une école secondaire en Ontario. C'est vraiment dommage qu'il ait fallu un tel choc pour motiver les politiciens de vouloir résoudre ce problème qui existe depuis toujours. Certes, ce suicide est malheureux, mais on sait que ce jeune avait effectivement des problèmes de dépression. Les activistes qui promeuvent la tolérance envers ceux qui démontrent des attractions sexuelles au même sexe semblent être convaincus que certains individus sont visés à cause de leur orientation sexuelle et que la solution serait de sensibiliser les jeunes, dès l'enfance, qu'il faut accueillir la diversité sexuelle. Cette idée est un vrai choc aux écoles catholiques et juives subventionnées, étant donné que dans les religions abrahamiques les rapports homosexuels ne trouvent aucun contexte moralement légitime.

De plus, les écoles sont un lieu d'apprentissage et non un lieu de manifestations d'attractions sexuelles. Je ne pense pas que raconter aux élèves que l'homosexualité est complètement acceptable changerait quoi que ce soit. Ces jeunes ne sont pas influencés par l'église, la synagogue ou la mosquée, mais plutôt par les dessins animés à la télévision. Ce qui aggrave la situation, c'est que les élèves sont maintenant équipés de téléphones cellulaires et peuvent attaquer leurs victimes davantage.

D'abord, je dois dire qu'avoir un médiateur, ou en bon suédois, un ombudsman, dans les écoles ontariennes est impératif pour défendre les victimes du harcèlement, que ce soit par un autre élève ou même par un enseignant, quelle que soit son ancienneté.

Deuxièmement, je ne crois pas que dire aux élèves qu'il est complètement acceptable de se considérer comme homosexuel change quoi que ce soit. Je ne crois pas qu'en disant aux élèves que l'homosexualité est acceptable qu'ils seraient moins influencés par les dessins animés ou que ça changerait les attractions sexuelles des jeunes. En bref, je trouve que la seule utilité ou la seule fonctionnalité de cette façon de sensibilisation est effectivement d'embêter les fidèles des religions abrahamiques. C'est sûr que, quelles que soient les attractions sexuelles, la couleur de la peau ou la religion du jeune, on ne devrait pas être victime du harcèlement. Il faut aussi comprendre que même si un jeune ne manifeste pas des attractions sexuelles au même sexe, le harcèlement motivé par l'homophobie est toujours grave et il nous faudrait un médiateur, ou en suédois,

ombudsman, non pour confondre les gens avec la psychologie de la diversité sexuelle, mais pour intervenir en situation de harcèlement, quelle que soit la cause. Cet ombudsman aurait le rôle d'imposer une politique anti-harcèlement et pas plus que ça, pas pour confondre quiconque à propos de leurs attractions sexuelles.

Alors, à votre place, estimés membres du comité, je modifierais le projet de loi comme ci :

—Ajoutez le besoin d'avoir un médiateur ou ombudsman à la défense des élèves victimes d'intimidation dans chaque commission scolaire, sinon dans chaque école, connu et accessible à tout élève.

—Laissez tomber la prescription des clubs pour les quatre groupes visés dans l'article 9. Ces clubs n'auront aucun effet positif.

—Laissez tomber tout texte lié à des règles externes, tel que le nouveau paragraphe 301(3.1) de la loi, qui imposerait le code de conduite provincial sur les organismes qui loueraient des locaux des écoles. Cela n'a rien à voir avec la protection de nos élèves, qui serait amplement assurée par un médiateur, paragraphe 7(2).

—Laissez tomber les textes dans les paragraphes 2(1) et 3(1) qui parlent d'équité et d'inclusivité, et laissez tomber toute mention d'homophobie. Franchement, l'homophobie est une condition psychologique de la peur de la possibilité de l'homosexualité en soi. Cela ne peut pas être rayé par une loi. Le mépris des homosexuels est tout à fait différent, mais n'est guère différent du mépris de tout autre groupe visé—soit, par exemple, les bégayeurs, les jeunes avec des drôles de noms, des lunettes, les gens qui portent quoi que ce soit. Les religions abrahamiques doivent demeurer libres à tenir à leur moralité sur le comportement sexuel, étant donné leur grand respect de la dignité de toute personne.

Je vous remercie, membres du comité, de me permettre la parole. Je serais heureux de répondre à vos questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have about five and a half minutes. Where did we say we were starting?

Ms. Lisa MacLeod: It's their turn.

The Chair (Mr. Ernie Hardeman): The third party: Ms. DiNovo.

Ms. Cheri DiNovo: I just wanted to out myself as a Christian minister, to start with, as well as a politician. I'm a United Church minister and I have a doctorate in Christian theology. So I guess one of the things I wanted to say is that as a member of the largest Protestant denomination in Canada who have been ordaining gay and lesbian people since 1988, not all Christians think alike. So that's number one.

Also in that regard, we've heard testimony from Catholic teachers who teach within the separate school system, and 90% of them have voted in favour of the ability of students to have gay-straight alliances. That's just the background, and I just say that as a matter of public information.

One of the concerns that went into the drafting of Bill 13 was to protect students whose lives were under threat

of suicide. We've discovered—this is not just our discovery; this is a matter of public record—that LGBTQ students have about four times the attempted suicide rate of heterosexual students, so that's why the emphasis is there.

Did anything that I just said—and I'm sorry I said it in English. I would like your response to any of that information after giving your own testimony. By the way, we in the New Democratic Party think that any bullying is unacceptable, for whatever reason, but certainly we've discovered that about 70% of LGBTQ students experience bullying. That's a pretty high number. I just would like your reactions.

M. Joel Du Broy: Bon, honnêtement, moi-même j'ai fait beaucoup d'essais de trouver des statistiques sur ceux qui manifestent des attractions au même sexe, et franchement, c'est vraiment difficile de trouver des sources qui sont légitimes, non biaisées. On peut dire aussi qu'il y a trop de facteurs à considérer. Le suicide chez les adolescents est beaucoup plus élevé chez ceux qui ont la dépression versus ceux qui n'ont pas la dépression. Il y a trop de facteurs à considérer, et pour moi, ce n'est vraiment pas nécessairement un enjeu, les manifestations d'attraction à un sexe ou l'autre. Vraiment, ce n'est pas approprié de confondre des élèves dans les écoles primaires, surtout, où ils n'ont pas d'attraction sexuelle avant la puberté. Alors, il vaut mieux ne pas les confondre avec ça.

1310

Ms. Cheri DiNovo: Sure; that's true. This bill does not say anything about curriculum. What it does allow students to do, if they choose—not mandated; if they choose—is to start a gay-straight alliance if they decide that that would help them. That's all it does. It does not mandate curriculum and it does not mandate groups. It mandates the ability of a student to set up a peer group to support themselves; that's all. But thank you very much.

The Chair (Mr. Ernie Hardeman): Anything further? We have a little bit more for the government side. Ms. MacCharles.

Ms. Tracy MacCharles: Just picking up on Ms. DiNovo's comments, our party as well, the government, the Liberals, are very much aligned with your statement that bullying of any kind is unacceptable. I just want to confirm your understanding and just sort of build on a discussion and the facts, I think, that we're providing today that there are many Catholic schools in Ontario that already have gay-straight alliances or other clubs. Are you aware of that?

M. Joel Du Broy: Non, je n'étais pas au courant.

Ms. Tracy MacCharles: If a group of students were to approach the administrator of a school to put a club together—lunch or after school or whatever—as has been done in many schools in Ontario already, including Catholic schools, how do you think the student should be responded to from the administration if they ask for such a club in their school?

M. Joel Du Broy: Bon, ça c'est en fait à la discrétion de l'école pour voir si le club serait approprié. Ma seule

crainte avec le projet de loi 13, c'est qu'en obligeant une école d'accepter un tel club dans leur école le moment où l'étudiant le propose, il n'y a pas vraiment d'imputabilité. Par exemple, moi, si je suis dans un secondaire ontarien et je veux proposer un club d'alliance de ceux qui ont des attractions au même sexe, et cetera, je pourrais opérer sous ce titre et rouler un casino en salle de classe. Il n'y a vraiment aucune limite, aucun contrôle, pas d'imputabilité, parce que la Loi 13 me défendrait bien de pouvoir continuer à avoir des rencontres hebdomadaires dans une salle de classe et l'école ne pourrait pas me prévenir de faire ça.

Ms. Tracy MacCharles: Are you aware that we've had testimony before this committee from students in schools where such clubs currently exist, and they have testified that they have found that process to be a very inclusive one, not divisive of any nature? The reality is, there are thousands of clubs in schools across Ontario, ranging from chess clubs to aboriginal youth clubs to gay-straight alliances or other main clubs. Are you aware that we've had testimony from such clubs and they have shared with us their experiences of how that works in the school system?

M. Joel Du Broy: Non, je n'étais pas au courant.

Ms. Tracy MacCharles: Thank you. No further questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's much appreciated and it will be taken into consideration as we move forward with dealing with Bills 13 and 14. Thanks again for making that presentation.

The Chair (Mr. Ernie Hardeman): Our next presenter is Amy Ferguson-Glandon. Is Amy present? It appears not.

ONTARIO PROVINCIAL COUNCIL OF THE CATHOLIC WOMEN'S LEAGUE OF CANADA

The Chair (Mr. Ernie Hardeman): Is the Ontario Provincial Council of the Catholic Women's League of Canada present? Very good. Well, we'll start with yours, then, and hopefully Amy Ferguson will be with us by the time you conclude your presentation.

Thank you very much for not only being here but being willing to move the time forward to have your presentation. As with all presentations, you'll have 15 minutes to make your presentation. You can use any or all of that in your presentation. If at the end of the presentation there's sufficient time left, we will have questions from the committee, and we will start with the opposition party this time around.

As you start your presentation, if you would state your name into the microphone for Hansard to record it. With that, the floor is yours for the next 15 minutes. Thank you very much for being here.

Ms. Colleen Randall: Thank you. My name is Colleen Randall. I do have copies of our presentations for all that can be distributed. I will be making the presen-

tation; with me is Anne Madden. I'll give our status at the end of our introduction, if you don't mind.

The Catholic Women's League of Canada was organized nationally in 1920, received federal incorporation in 1923, and is recognized by the Canadian Conference of Catholic Bishops as a lay organization of Catholic women.

This brief is presented on behalf of the 53,000 members of the Ontario Provincial Council of the Catholic Women's League of Canada. We function in concert with over 90,000 national sisters to further the objects of our organization. A main object of the league is to promote teachings of the Catholic church and to uphold and defend Christian education and values in the modern world.

We come from all walks of life, backgrounds and ages. Some of our members are wives, mothers, grandmothers, teachers, health care workers, social workers, public servants, technicians, chairpersons, business leaders, volunteers, military personnel and community leaders, to name just a few.

The league strives to unite Catholic women in the advancement of their spiritual, cultural and intellectual interests and for the development of social action. Resolutions come from the grassroots of our organization, from women who are passionate, informed and committed to their communities, and are presented to government annually.

Members are women united in prayer and spiritual fellowship, who speak with one voice for those who cannot speak for themselves on a variety of social issues, including poverty and human rights.

We support and value our Catholic schools. In that regard, we appreciate the opportunity to make a presentation to the social policy committee to express our position on Bills 13 and 14.

This brief is presented by the Ontario Provincial Council chairpersons: myself, Colleen Randall, legislation standing committee; and Anne Madden, resolutions standing committee.

The Ontario Provincial Council of the Catholic Women's League of Canada would like to thank the Standing Committee on Social Policy for the opportunity to present our views and concerns on Bill 13, An Act to amend the Education Act with respect to bullying and other matters, and Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools.

In agreement with the Ontario government, we wish to see the elimination of all bullying in all schools. We are particularly concerned, as Catholic women, about our Catholic schools and the some 700,000 students present in our schools in Ontario.

We appreciate the opportunity to express the following concerns about Bill 13, which will amend the Education Act.

1320

We recognize that the bill requires school boards to support student initiatives concerning anti-bullying

activities. We recognize that, in many cases, groups or committees will be formed. As mothers, we feel that students should be supervised, especially in this case, when dealing with sensitive issues such as the bill indicates. Children face bullying attacks for a variety of reasons, including issues of appearance, social status, gender equality, race, religious background and cultural differences. Given the history of activity in this subject in our schools, to allow students to organize themselves without supervision around these areas could be harmful not only to themselves but to others as well.

We live in a world of technology where student texting is part of teenage lifestyle. Sensitive areas of a student's life could be and have been abused through this medium which could and has resulted in tragic outcomes, which is why such the initiative of the bill was formulated. Therefore, we are in total agreement with the Respecting Difference document of the Ontario Catholic School Trustees' Association, the OCSTA, which outlines the principles that guide the establishment of student groups in Catholic schools.

We are concerned that Bill 13 seems to give an inappropriate amount of power to the Minister of Education with regard to anti-bullying measures and policies implemented in schools.

Therefore, we are concerned that if a Minister of Education is somehow unaware or not in agreement with the principles and philosophy of our Catholic education system and/or our Catholic faith teachings, this minister could then use their power to implement in our Catholic schools various groups, committees or policies that are contrary to our Catholic faith and to the philosophy of our Catholic school system, which has been guaranteed to us by our Constitution.

We believe that our local school boards know best as to what and how policies should be implemented in their schools. The OCSTA has been addressing this issue and we are supportive of their document, Respecting Difference, which is in accordance with Catholic philosophy.

The third concern we have is evident by the number of references made in this bill where particular emphasis is given to bullying against the LGBTTIQ group in the preamble. In addition, reference is made to the term "homophobic," which we consider to be unclear in its definition, and to the use of GSA groups as an anti-bullying measure in our schools.

This emphasis on same-sex orientation seems to have a greater emphasis in the bill than on any other area of anti-bullying. It appears that this bill sets out to isolate children into issue-specific groups, which, in itself, could result in an increase in bullying activity. We believe there are a variety of reasons why children are bullied, and equal emphasis should be placed on bullying in areas of appearance, cultural background, economic background, racial background and religious background.

As mothers of children who have experienced bullying in these areas, the Catholic Women's League of Canada members feel strongly that these areas deserve equal attention, because all students who are victims of bullying deserve to be treated with dignity and respect.

As Catholic women, we, of course, are opposed to any bullying in the area of same-sex orientation in our schools. However, as we have previously mentioned, we believe that this area is quite sensitive and should be handled with compassion and care in the most confidential way by qualified adults and counsellors.

We are in agreement with the government of Ontario to combat bullying in schools and in our society. All students being bullied deserve respect, understanding and assistance.

As members of the Catholic Women's League here in Ontario, we once again wish to indicate our support for the document *Respecting Difference*, which makes possible the establishment of good policies and directives for all Catholic schools.

We feel *Respecting Difference*, which is currently in place within our schools, works well. It was researched and implemented with success and does address what we feel is our concern with Bill 13. We pledge our support to our Catholic school boards, trustees, teachers, bishops and families in implementing the policies needed to combat bullying of all kinds.

In conclusion, we respectfully request that the concerns we have expressed regarding Bill 13 and its impact on our Catholic schools will be given serious consideration in your deliberations, and we trust the Legislature will continue to respect the nature and philosophy of our publicly funded Catholic schools as they implement policies in accordance with an amended Bill 13.

Since this committee is also receiving comments with regard to Bill 14, our position is one of support and agreement with the policies put forth in Bill 14.

The Catholic Women's League members of Ontario are grateful for the opportunity to present our concerns to this committee, and we thank you for your attention.

The Chair (Mr. Ernie Hardeman): You are within a minute of reaching the 15 minutes you were allotted, so we thank you very much for coming in and making the presentation.

Mr. John Yakabuski: I have a couple of quick questions.

The Chair (Mr. Ernie Hardeman): No.

Mr. John Yakabuski: No? You said you were within a minute—

The Chair (Mr. Ernie Hardeman): No, I said they were within a minute of having used all their time.

Mr. John Yakabuski: Oh.

The Chair (Mr. Ernie Hardeman): At that point, we say thank you very much for your presentation.

Ms. Colleen Randall: Thank you for your time.

ASSOCIATION DES ENSEIGNANTES ET DES ENSEIGNANTS FRANCO-ONTARIENS

The Chair (Mr. Ernie Hardeman): Our next presentation is the Franco-Ontarian Teachers' Association. I would have tried the whole French pronunciation, but I

would have mangled it so badly. I'd better stay with what I do know. Thank you very much for your—

Ms. Lisa MacLeod: He likes to be picked on.

The Chair (Mr. Ernie Hardeman): We thank you very much for coming in and making your presentation. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of that for your presentation. If there's time left at the end of the presentation, we will have questions from the committee members, and we will start with the third party.

Having said that, we would ask if you would give your name into the microphone to register it with Hansard. With that, the next 15 minutes are yours.

M. Benoit Mercier: Merci beaucoup, monsieur le Président. Ma présentation se fera en français. Donc, je m'appelle Benoit Mercier. Je suis le président de l'Association des enseignantes et des enseignants franco-ontariens et je suis accompagné aujourd'hui de Claudine Laporte, qui est employée cadre à l'AEFO.

Monsieur le Président, mesdames et messieurs, je vous remercie de permettre à l'AEFO de se présenter devant vous aujourd'hui. L'AEFO est un syndicat d'enseignantes et d'enseignants ainsi que de travailleurs et travailleuses dans le secteur de l'éducation. Nous regroupons environ 10 000 membres de la profession enseignante et d'autres professions qui oeuvrent au sein des écoles financées par les deniers publics. Nous sommes dans au-delà de 400 milieux de travail dans la province de l'Ontario, du nord au sud, d'est en ouest. Donc c'est avec plaisir, au nom des quelque 10 000 membres de l'AEFO, que je veux d'abord préciser que nous voyons d'un bon oeil que le gouvernement mette en place des mesures additionnelles pour lutter contre l'intimidation à l'école.

L'AEFO est également heureuse que le Comité permanent de la politique sociale étudie en même temps le projet de loi 13 soumis par le gouvernement, ainsi que le projet de loi 80, anciennement 14, un projet de loi privé parrainé par une députée du Parti conservateur. Selon nous, ces projets de loi se complètent et comportent tous deux des éléments forts valables qui permettront au comité d'élaborer le meilleur texte de loi possible pour adoption par l'Assemblée législative.

1330

L'intimidation à l'école est un fléau qui continue de faire des victimes, comme l'a bien illustré le suicide du jeune Jamie Hubley, ici même à Ottawa, en octobre dernier.

Ce n'est pas d'hier que des jeunes deviennent la cible de moqueries à cause de leur poids, de leur façon de s'habiller, d'un comportement jugé comme « nerd » ou de leur orientation sexuelle.

Quand moi-même j'étais étudiant au secondaire, il y a bien des lunes passées, les moqueries utilisant des termes dérogatoires comme « tapette » ou « fif » étaient monnaie courante. Mais c'était à une époque où à peu près aucun jeune n'aurait affiché ouvertement son homosexualité, ce qui fait que ces moqueries avaient une portée plus

limitée. On riait, mais sans rien savoir de façon certaine qui était la cible.

Au début des années 2000, à titre d'enseignant en éducation spéciale à Welland, j'ai pu voir de près ce que certains élèves subissent quand ils osent afficher leur orientation sexuelle. À mon école, il y avait un jeune homosexuel qui était devenu la cible d'autres élèves, et un lundi matin il s'est présenté en classe avec le nez brisé et les deux yeux au beurre noir. Pendant toute l'année, ce jeune élève a régulièrement manqué des journées de classe parce qu'il ne voulait pas faire face à ses persécuteurs.

Et en rétrospective, je vous dirais que l'école n'a pas réussi à intervenir très efficacement pour lui venir en aide. Comme bon nombre de mes collègues, je me sentais impuissant et mal préparé pour agir dans cette situation.

Les moyens de diffusion ultra-rapides qu'offrent des outils comme le téléphone cellulaire et Facebook sont venus ajouter une autre dimension à l'intimidation à l'école. Les chicanes qui autrefois étaient confinées à la cour d'école peuvent maintenant être diffusées très largement, et pire encore, peuvent être alimentées par un grand nombre de personnes sous le couvert de l'anonymat. L'impact peut donc être encore plus dévastateur.

L'AEFO n'a pas attendu qu'on légifère sur cette question pour agir. Depuis 2003, nous travaillons en partenariat avec le Centre ontarien de prévention des agressions, connu sous le nom de COPA, pour fournir aux élèves et au personnel enseignant des outils pour prévenir et contrer l'intimidation. Avec notre appui, le COPA a développé et offert des ateliers et des sessions de formation dans les écoles de langue française partout en province.

Grâce à un partenariat avec la Fédération des enseignantes et des enseignants de l'Ontario, le COPA a aussi développé l'excellente trousse qu'on appelle Bien-être à l'école, qui offre plusieurs outils à l'intention du personnel enseignant et des élèves, tant à l'élémentaire qu'au secondaire.

Chers députés, il faut en faire plus. Il est urgent qu'on prenne des mesures pour que tous les jeunes, peu importe leur origine, leur langue, la couleur de leur peau, leur apparence physique ou leur orientation sexuelle, puissent apprendre et évoluer dans un environnement sain, sécuritaire et inclusif.

Il faut que les écoles encouragent et appuient les initiatives, telles que les alliances homosexuelles-hétérosexuelles, qui font la promotion de la tolérance et qui sont susceptibles d'influencer de façon positive l'attitude des élèves et la culture de l'école.

Ceci dit, l'AEFO est de l'avis qu'il ne suffira pas de modifier la Loi sur l'éducation pour régler les problèmes de l'intimidation à l'école. Il faut prendre les moyens nécessaires pour assurer la mise en oeuvre réussie des nouvelles mesures. Dans le mémoire que nous déposons aujourd'hui, vous trouverez une série de recommandations qui, selon nous, clarifieraient certains aspects du projet de loi et répondraient à nos préoccupations relativement aux modalités de cette mise en oeuvre.

Permettez-moi surtout d'insister sur quelques aspects qui nous paraissent essentiels.

Premièrement, il faut bien définir la portée des nouvelles obligations du personnel scolaire en matière d'intimidation, en particulier sa responsabilité face à des actions qui se déroulent à l'extérieur des lieux scolaires et des heures de fréquentation. Par exemple, dans quelle mesure et comment le personnel scolaire doit-il intervenir quand un élève est victime de cyberintimidation, une forme d'intimidation extrêmement difficile à circonscrire, dont l'origine peut ou non provenir de l'école, et qui peut se poursuivre 24 heures sur 24, sept jours sur sept?

Deuxièmement, il est essentiel de fournir au personnel scolaire la formation dont il aura besoin pour s'acquitter de ses nouvelles responsabilités. La formation devrait toucher plusieurs questions : comment intervenir auprès des élèves, tant ceux qui intimident que ceux qui sont victimes? Comment et quoi enseigner dans le but de prévenir l'intimidation? Comment encadrer des clubs d'élèves, comme les alliances homosexuelles-hétérosexuelles, dont l'objectif est de promouvoir la tolérance et l'inclusion? Comment rapporter un incident d'intimidation et s'assurer que les correctifs nécessaires soient apportés?

Troisièmement, il faut mettre à la disposition du personnel scolaire les ressources et les appuis dont il aura besoin pour agir efficacement. Partout en province, il faut s'assurer que les écoles de langue française aient accès à des spécialistes en mesure d'offrir des services en français. Les enseignantes et les enseignants doivent aussi avoir accès à des ressources pédagogiques en français leur permettant d'enseigner et d'agir pour prévenir et contrer l'intimidation.

Quatrièmement, il faut mettre en place des mécanismes clairs, simples et uniformes pour rapporter des incidents en tenant compte de ce qui est déjà prévu dans la loi pour rapporter d'autres types d'incidents, notamment les actes violents.

Et finalement, il faut s'assurer que ces nouvelles mesures, si souhaitables soient-elles, ne créent pas de nouvelles problématiques ou une surcharge de travail pour le personnel scolaire, en particulier les enseignantes et les enseignants.

Lutter contre l'intimidation doit être une responsabilité partagée de toute la communauté scolaire : les élèves, les parents et l'ensemble des personnes qui travaillent de près ou de loin dans nos écoles et dans le milieu de l'éducation.

L'AEFO est prête à collaborer à la mise en oeuvre des nouvelles mesures pour en assurer la réussite. C'est pourquoi elle souhaite être consultée, tant par le ministère de l'Éducation que par les conseils scolaires de langue française, au moment de l'élaboration des règlements, politiques et procédures reliées à ces projets de loi.

Mesdames, messieurs, je vous remercie de votre attention, et c'est avec plaisir que je répondrai à vos questions. Merci.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Contrary to what I said when

you started, we will start the questioning with the official opposition.

Ms. Lisa MacLeod: Thanks very much. Really nice to see you, Benoit. I hope you're doing well. Thanks very much for your presentation. I really appreciated it. One of the nice things about the deputants today is that we've had a real eastern Ontario flair. We've had a combination of francophone and anglophone presentations, which is something my colleagues haven't been treated to very often.

I appreciated what you had to say about consultations. I have a quick question: Were you fully consulted on this bill, Bill 13, prior to it being introduced in the assembly?

M. Benoit Mercier: À ma connaissance, non, l'AEFO n'a pas été consultée. Je me souviens que nous avons été appelés pour assister au lancement du projet de loi 13 lorsque je me suis rendu à Toronto avec mes collègues des autres filiales.

Ms. Lisa MacLeod: Thanks very much. That's very important for me. I think that's why so many people want to attend the consultations now: because they didn't feel that they had their say. Of course, we only had five days for public hearings, which has left a significant amount of people out on both sides of the issue because we've now found that this bill has received quite a bill of notoriety in the newspaper.

You speak of the regulations as they are passed down. How do you view that, Benoit, moving forward with the ministry once anti-bullying legislation does pass the assembly?

M. Benoit Mercier: Bien, nous souhaitons être consultés quant à la mise en oeuvre, surtout au niveau local. Lorsque les conseils scolaires vont mettre en place leurs politiques et procédures, je crois que les enseignantes et les enseignants et d'autres travailleurs en éducation devraient avoir leur mot à dire quant aux exigences qu'auront les conseils scolaires. Effectivement, les exigences viendront du ministère de l'Éducation, et donc, au niveau provincial, l'AEFO provinciale aimerait être consultée pour donner son grain de sel quant à la meilleure façon de mettre en oeuvre cette nouvelle loi. Nous sommes des experts dans le domaine de l'éducation. Nous travaillons dans ce milieu et donc nous avons quand-même une bonne idée de comment devraient être élaborées certaines procédures pour faciliter la tâche aux enseignantes et aux enseignants, et aussi pour assurer que chaque élève puisse connaître le succès à l'école dans un milieu sain et sécuritaire.

1340

Ms. Lisa MacLeod: One of the things that I wonder—and it's something that we've heard throughout the process—are various techniques that have been used in anti-bullying in the classroom. In fact, the first day of hearings, we had a young fellow—I think his name was Anthony McLean from iEngage, an anti-bullying organization—who was very supportive of Bill 14, and he had some concerns with Bill 13.

One of the things that he talked about, which really hadn't been discussed much in debate in the House, is

this notion of restorative justice. I know, from my own personal experience, that that seems to work in elementary schools. Is that one of the techniques that you're using in your schools right now and your teachers are employing?

M. Benoit Mercier: Je laisserais Claudine répondre à cette question, parce qu'elle travaille de près avec le COPA, l'organisme que j'ai mentionné tout à l'heure.

Ms. Lisa MacLeod: Okay.

M^{me} Claudine Laporte: Au niveau des interventions que le COPA fait en salle de classe, c'est beaucoup plus pour outiller les élèves qui pourraient être victimes. On travaille beaucoup au niveau de l'« empowerment »—comment je peux être libre, fière, puis comment je peux contrer moi-même l'intimidation?—plutôt que des modes de résolution de conflits. C'est beaucoup plus axé sur la prévention que sur la résolution de conflits. Donc, ils n'abordent pas la question de justice réparatrice dans les formations.

Ms. Lisa MacLeod: Do you have any other best practices or examples—and I think it was you, Benoit, who mentioned it earlier in your speech that we don't necessarily need legislation for everything because there are other techniques so long as we've got—whether it's an appropriate amount of resources or a greater degree of awareness. Are there any techniques being employed in your school system, for example, that might not be employed elsewhere that we could be easily adopting outside of legislation? I'm just curious to know that today.

M^{me} Claudine Laporte: Je ne pense pas qu'il y ait de formules miracles qui existent, puis que les autres ne seraient pas nécessairement au courant. C'est vraiment la prévention, la prise de conscience, le fait que chacun se sent responsable de ce qui se passe, qui peut faire une différence. On a souvent tendance à réagir, puis de dire : « Ce n'est pas mon problème. C'est un élève d'une autre classe, un élève d'un autre groupe. » C'est plus une prise de conscience globale qui pourrait éventuellement faire—

Ms. Lisa MacLeod: That's an important point to raise responsibility, and I'm glad that you mentioned that because I think that's where we want to go with Bill 14, which is now Bill 80, is actually having some accountability mechanism built in. Benoit?

M. Benoit Mercier: Pour ajouter à cela, vous savez que les élèves aussi sont très bien positionnés pour mettre en place des mesures pour contrer l'intimidation. Ce n'est pas parce qu'il y a une loi qui existe que les jeunes ne vont pas continuer à intimider ou à tenter de harceler les autres. Je crois qu'il faut impliquer les élèves parce qu'ils sont quand-même des parties prenantes à leur éducation et je crois qu'ils sont en mesure aussi de nous aider à trouver des moyens pour contrer ce fléau qui existe.

Ms. Lisa MacLeod: That's great. Thank you very much. Thanks, Benoit.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It's quite helpful.

Our next delegation is the African Canadian Legal Clinic. My understanding is that they may not be here.

Amy Ferguson-Glandon: Is she present now? It appears not.

The Ontario English Catholic Teachers' Association: Are they here yet? If they're not here yet, then again we will have to have a recess, because obviously—

Interjection.

Mr. Bob Delaney: A 10-minute recess—

The Chair (Mr. Ernie Hardeman): They have at least 15 minutes to get here.

The Ontario English Catholic Teachers' Association is not scheduled to be presenting until 2:15. So we will recess for at least 15 minutes. If they're not present, we'll go for the half-hour. Okay? Thank you.

The committee recessed from 1345 to 1400.

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

The Chair (Mr. Ernie Hardeman): I call the committee back to order. We have our next deputation already in the chair, just anxious to get going. It's the representative for the Ontario English Catholic Teachers' Association. Welcome very much to the committee this afternoon. As you are probably aware, your presentation allotted time is 15 minutes. You can use any or all of that time for your presentation. If you have time left over at the end of your presentation, we will have questions from the committee members, and this time it is the third party that will be asking the questions, if there is time.

With that, if you would put your name on the record through the microphone before you start your presentation, the next 15 minutes is yours.

Ms. Elaine McMahon: Good afternoon. My name is Elaine McMahon and I'm the president of the Ontario English Catholic Teachers' Association, Ottawa unit. I want to thank you for affording me the opportunity to speak with you today on this very important topic.

When I began my teaching career, it was a different time. Although we did have incidents of bullying, we also had a greater participation on how to resolve it. The teachers were included not only in the reporting of an incident but the outcome. We were not left to wonder about resolution or the fear that what we deemed to be appropriate would not happen. We did not speak in legal terms about liability but, rather, responsibility to our students. We taught the person, then the curriculum. We did not excuse bad behaviour with mitigating circumstances because we believed we were preparing our students for the school of life, and the realities they would face there would be harsher than what we imposed at that time.

I would now like to cite two examples.

We had two boys in grade 8 who were threatening students that if they did not give them money, they would beat them up. This went on unbeknownst to any staff. One day, a concerned mother came in and reported that her son's bank account was missing \$248 and she feared that perhaps he was buying drugs. We immediately began an investigation.

A few days later there was a great commotion in the hall as students gathered outside of a closed door to await the outcome of an altercation. One of the students who had been approached by the bullies challenged the leader to a fight. The bully backed down. He consequently returned the money to all the students affected, and it was over.

Another time, a young girl came to see me because, the night before, she had been swarmed by a group of classmates at a bus station. I asked what she wanted to do. She replied, "I want each of them to come to your office and tell me why they did it." The next day, one by one, she confronted the students, and each one said he/she had no idea why, just that one of the girls in the class told them to do it.

In both of these stories, the potential victims had sufficient self-esteem not to be victims. So what is the difference today?

Today, there is so much emphasis on curriculum and scores, there is little time to teach the person. Contrary to today's notion, it is not a level four that prepares our students for life; it is the ability to love oneself and to know that no matter who you are, you are worthy of dignity and respect. It is your responsibility to treat others with dignity and respect. We teach children to become responsible citizens.

When curriculum becomes more important and the person is lost, you will have behaviour problems.

Today when a student misbehaves, we have to take into account mitigating circumstances. What frustrates educators is that now the rights of one person usurp the rights of the collective.

If there is an incident between a student and teacher, the question asked is, "What did you do to upset the student?" An incident report is written and the teacher will receive a slip of paper stating, "Action taken; action not taken." No other information is provided, nor can you question the decision made by the principal.

Allow me to illustrate. A young grade 6 student with behaviour issues brought a six-inch blade from a steak knife to school. The blade had been broken off from the handle. A group of students told the teacher on duty and she immediately went over. The boy, knowing he was not to have a knife at school, buried it in the snow. The principal, at first, refused to sign the incident report until she was advised by her superintendent that it was the law. The principal cited mitigating circumstances as her reason for not suspending the boy. He would, however, spend a day in the resource room as an in-school suspension. The school resource officer would visit the boy's home, as well as his class, and explain the potential dangers of what he did. The teacher and other staff members were very upset, but when they asked to speak about it, they were told it was a non-issue and there would be no discussion.

The concerns they wanted to raise were: What if another child had fallen on the blade? What if the boy had become angry and threatened to use the blade? The response was, "The liability rests with me." That

response would give little comfort if something very bad happened.

In another situation—and we have had several of these—a young boy posted a Facebook account about hating his teacher and inviting other students to join. The teacher was very upset and asked that the boy be suspended. The principal said that, due to mitigating circumstances, there would be no suspension, but the boy's parents assured her that the page would be closed. The mitigating circumstance was a terminally ill parent.

While everyone has great appreciation and empathy for the boy and his situation, what message are we giving this generation? Are we preparing them to cope with life, or developing a sense of entitlement without any form of responsibility and ownership for behaviour?

If I have a bad day, whether due to a family crisis or another personal issue, if I so much as raise my voice in class, I am disciplined. There are no mitigating circumstances for me. Why? Because I'm the adult. If I had not been taught to take ownership or responsibility for my actions as a child, when and how was I to come to these realizations?

I did not want one student to leave my class feeling less than what God created him or her to be.

In our lives, we have five areas of love, which we need to be nurtured, for our love of self. Through this, I formulate the ability to cope with life through the darkness and the light.

I'm sorry, I missed a page here. I'll have to go back.

My concern about the bill is that it needs to make all parties more accountable for the action and all parties aware of and involved in the resolution.

I spoke earlier about self-esteem, and again I want to emphasize that what makes a person a victim is the lack of respect another person has for you.

When you teach a class of 28 students and one person is permitted, due to mitigating circumstances, to usurp your authority, then it does not take a rocket scientist to realize that the others in the class are thinking, "If the teacher, the adult, the protector is powerless over this person, then so am I."

In the course of my 42-year career as a teacher, I've been privileged to have taught young people from all walks of life and all ethnic and religious backgrounds. Throughout it all, I have noticed a common thread: People want to be accepted and loved for their personhood.

As a religion teacher, I was able to openly speak about many subjects and issues. I learned to listen to the other side of "my opinion." I learned to grow as a person, thanks to the students placed in my care. As their teacher, I felt an urgency to ensure that each student learns that it was his or her God-given right to be treated with respect and dignity. I did not want one student to leave my class feeling less than what God created him or her to be.

In our lives, we have five areas from which we receive the love needed to nurture our love of self. Through this, I formulate the ability to cope with life through the darkness and the light.

Love from God tells me I am created in the image and likeness of God, the source of all love.

Love from parents is unconditional, regardless of what I look like or what I do.

Love from siblings reminds me on a micro scale that I am part of something bigger and my existence helps to complete a tight-knit circle of love. Even in times of rivalry, there is a sense of love.

1410

Love from friends shows me that others who are in this world choose to love me for me.

Love from a significant other gives a form of love that allows me to share my most intimate self with another.

These are my primary sources of self-love. I need all areas in order to feel worthy and accepted, for if I doubt any of the five mentioned, it erodes my love of self.

We realize that we have children in our classrooms who do not have fulfillment in their five areas of love. We need to support these children and teach them coping skills. Inappropriate behaviour is the manifestation that something is wrong. To enable inappropriate behaviour sends the message that one does not have to take responsibility for his or her choices. This is the wrong message.

In closing, whether I am born straight, gay, two-spirited or transgender, I am God's creation. It astounds me in a world where the moon walk is but a rocket ride away, where news from around the world enters our homes within minutes of something happening, and in a society that decries that we put an end to racism, that homophobia exists and is supported. For those who believe God does not make mistakes, how can you condemn those born different? For those of you who defend the rights of the democratic process, how can you condemn the rights of the marginalized?

Some argue that people choose to be gay, and I ask you, why? Why would anyone choose to be called "intrinsically disordered"? Why would anyone choose to be something when society says from the moment of birth until you die you are never to experience intimate love? Why would anyone choose to be lonely and an outcast? It makes no sense.

Gay-straight alliances will no more make a straight student gay than a gay student by association will become straight. We should not deny anyone the opportunity of living life to the fullest and contributing the gifts and talents that are God-given to our world.

As an educator, and particularly as a Catholic educator, I believe that no one is unworthy of respect, dignity and love. No one should ever feel isolated and alone. If one area of love denies me the love I need to survive, then if I despair, many others who have loved me will suffer not only my pain but, in some cases, my loss.

It matters not what we call the GSAs; what matters is that we have them. Chess players have clubs. Singers and band members have clubs. Athletes have teams. What are we afraid of? If one life is saved because we had the moral courage to do what is right, then we have nothing to fear. If we fail to have moral courage and do what is

right, the God who created us will stand before us and ask us why. Nowhere did Jesus condemn those deemed different. Nowhere did Jesus accept intolerance shown to anyone. If we profess to believe, then we must live the gospel values. We must set aside what makes us different and embrace all that makes us one.

Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about two and a half minutes left, so the third party.

Mr. Peter Tabuns: Elaine, thank you very much for that presentation. It was quite moving.

Ms. Elaine McMahon: Thank you.

Mr. Peter Tabuns: One of the things that you remarked on at the beginning was the lack of resources for teachers to actually interact with students and go beyond the simple teaching of academic subjects but to interact in a way that taught them life skills. This is an issue that came up for us pretty strongly at the time this bill was being introduced and has always said to me that this is why this bill's impact will be limited, that it's much bigger than these rules. It's also a question of resources in the schools. Can you talk to us about how those resources have changed and how you've seen it change the relationship between students?

Ms. Elaine McMahon: I think one of the biggest changes was that when I first started teaching, we used to have what were called group counselling sessions. We would go through our school class list and we'd decide which students were really in need of just a little extra attention, a little extra encouragement along the way. They would come down in a group, and they did not know each other's experience, but they all shared a commonality through the group discussions that came out.

As teachers, whenever there was a difficulty with a student, we would all sit down collectively and say, "What can we do to help this person?" Today, we don't have the time. Not only do we not have the time, but, because things are so hurried and so hectic, and because, to be honest with you, especially in a high school environment you see so many students in a day, you really don't have the opportunity often to sit down and really get to know who is sitting in front of you, whereas I found in the past that we did have that time. Not only that; even if we didn't have the time, we had the luxury of taking that time. Now, everything is very prescribed as to what we have to do and what we have to cover. The pressure is on that we have to finish it, and if we don't, then there's an accountability that comes back on us. Somewhere in the process, the students are lost.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. That concludes the 15 minutes. It's much appreciated.

Ms. Elaine McMahon: Thank you.

KIDS HELP PHONE

The Chair (Mr. Ernie Hardeman): Our next delegation is Kids Help Phone. Thank you very much for

being here this afternoon. As with the previous delegations, you will have 15 minutes to use as you see fit. You can use any or all of the time. If there's more time left at the end of your presentation, we'll have some questions from the committee. The questions will come from the government side this time.

With that, if you could please, before you start your presentation, put your name on record with Hansard through the microphone, we'd very much appreciate that. From there on, the next 15 minutes are yours.

Ms. Alisa Simon: Thank you. My name is Alisa Simon. I am the vice-president of counselling services and programs with Kids Help Phone. You did just receive my written submission. I'll tell you, it's 12 long pages, so I will not be following it. It's for your reading enjoyment later on. I have picked out pieces of it for the oral submission today.

Kids Help Phone is really pleased to be here today to present to the Standing Committee on Social Policy in regard to Bills 13 and 14. For those of you who don't know us, since 1989, Kids Help Phone has been Canada's only national phone line for young kids of all ages, up to 20. We now have web posting and IM/chat counselling services as well, available for all young people in Canada.

Since our inception, we have provided our services to millions of young people, 24 hours a day, seven days a week, 365 days a year, in both official languages. Kids Help Phone has professional counsellors who are there when other services are not. Every day we hear from kids who are experiencing the cruelty of bullying, the loneliness of depression, the paralyzing anxiety of being alone, or feelings of pressure to succeed, compete or conform.

In 2011, kids reached out to us over 5,000 times every month, and approximately 9% of these contacts were related to bullying.

We're here to make this submission today because we hear directly from young people what bullying means. I'm now going to read some of the words—these are directly from young people about what they say for bullying:

"The worst part of the day is trying to get up enough courage to go to school."

"Thinking I could be gay makes me want to die. I almost feel that I would prefer to die than live a self-resenting life as a homosexual. I've been bullied in the past, being called 'queer,' 'faggot,' 'homo' and 'gay.' And that may be a possible contributor to the homophobia and self-hate. I just don't know what to do. I'm worried and scared and frustrated. And I just wanna die instead of living the alternative. Please help."

Another post: "I've been bullied all my life, and I'm sick of it. I just wish there was really someone who could stop all of it, but I don't tell anyone because there's no point; it never stops. It just keeps going on and on."

Another young person: "I don't understand what is wrong with me to make these people want to hurt me.... And because of this, I believe that it is my fault, so I ...

hurt myself. I have no friends. I wake up each day to myself and after living through hell alone, I go to sleep by myself."

Another young person: "Every day of my life, ever since I joined this school, they have come on MSN and have started making fun of me. This all started when I was in grade 9. These girls would come online and start making fun of me. They would call me names, say things like, 'You're a fag, gay, stupid, loser.'"

Another post: "I am a Muslim and so is my friend. So all the cool guys tease him, not me, that he is a terrorist because he knows Arabic."

Finally: "I've tried walking away, ignoring them, telling them to back off, and telling an adult. None of this is working."

In my written submission today, you will see that there are more posts from young people.

What these posts tell us is that bullying and cyberbullying are serious and pervasive issues that require attention, understanding and responsiveness. The struggles that these young people are describing cause serious damage socially, psychologically, academically and even physically. They set victims on a path of continued distress and self-blame and can cause mental health challenges. In addition, bullies, those young people who are bullying, are more likely to sexually harass, become involved in delinquent behaviours or engage in dating violence, so they also need our attention.

1420

In my written submission, I've provided a lot of research and background on bullying, but I'm going to skip that for today and talk a little bit about what Kids Help Phone is doing to respond to bullying.

First, we provide high-quality counselling services. Because of the importance of the fact that our counsellors are speaking every day directly with young people, we ensure that they all have the latest clinical information and research on issues, including bullying, that are impacting young people. They have access to a knowledge mobilization system on over 50 topics.

All of our counsellors also have access to the largest database of community-based resources for youth in Canada with over 37,000 referral resources where they are able to connect young people to resources in their community.

Another critical thing that we do is we provide anonymity and confidentiality to all young people. Young people tell us the reason they contact Kids Help Phone is because they know their secrets are safe with us. They can talk to a trusting adult, and their anonymity and confidentiality will remain.

We also use new technology to support young people. So we have our IM/chat counselling. We also have four websites for kids and teens in both French and English where they can find self-help tools, prevention and intervention strategies and clinically informed information on cyberbullying, bullying, suicide prevention and 50 other topics. These websites provide online counselling services with age-appropriate language and are

designed to meet the clinical, cognitive and social needs of each defined age group. In 2011, we had five million visits to our website.

Kids Help Phone is also committed to raising awareness of bullying and cyberbullying. In 2011, we distributed over one million wallet cards—which you all received today—and over 200,000 posters—which you also received—to 14,000 schools and non-profits around Canada.

There's some important things I want you to think about in terms of bullying.

As an organization that has unfettered access to young people, I am here today to speak on their behalf. Young people are at a loss as to what to do. The young people who contact us tell us that they feel that the adults and the larger systems they are part of have let them down.

Young people don't even know how to name their experience as bullying. Often, they contact us because they think someone's being mean to them, but they don't necessarily say it's bullying. In connection with this, many young people lack the language to effectively advocate for themselves when they experience maltreatment.

Also, kids are suffering in silence because they don't feel safe reporting. We have a report that was just released called *Cyberbullying: Reality Check*, where we did a survey, and a third of our survey respondents said that they find reporting bullying and cyberbullying as ineffective. They said that they actually think if they reported, they would make the situation worse. Young people said things like, "I wouldn't say anything. No one would listen," or "I keep it to myself. It's my problem, and it's best to keep it that way."

In that same survey, we asked young people who they would talk to if they were cyberbullied: 65% said they would tell a friend versus a parent, teacher or counsellor, and 15% said they wouldn't tell anyone.

Also, we need to know that adults don't often recognize bullying. Kids tell us that even when the bullying happens in front of adults, adults don't necessarily notice it, and when they do, they're often at a loss as to how to effectively deal with the bullying.

Finally, in terms of things that I think are important to consider is that cyberbullying is really increasing. Our survey found that 65% of respondents have experienced cyberbullying at least once, and the reason that's important is that 85% of young people who are cyberbullied are also being bullied at school or in other places.

Our recommendations on Bills 13 and 14:

(1) We need to educate adults. Both bills state that teachers, staff members and volunteers working in schools who observe an act of bullying are obligated to report it. That's great, except, as I said earlier, research shows that acts of bullying go unrecognized by adults even when they happen right in front of them. So we need to train teachers and other staff to learn to identify and effectively respond to acts of bullying.

(2) We need to specifically define and address cyberbullying. Bill 14 explicitly addresses and defines

this, and this is absolutely critical to curb bullying. We believe that for schools to take a proactive approach in promoting a positive school climate, we need to address cyberbullying in both bills.

(3) We need to promote safe reporting. Unfortunately, neither Bill 13 nor Bill 14 addresses the issue of encouraging young people to report in a safe manner without retaliation. Some of the young people who contact Kids Help Phone have referred to the adage “snitches get stitches” in talking about reporting bullying and cyberbullying. In order for students to feel safe reporting bullying, it is critical that they know their information will be kept confidential if they desire.

(4) We need to connect discriminatory bullying and oppression. Bullying and cyberbullying intersect with discrimination and oppression, as young people who are perceived as different because of religious or ethnic identity, sexual orientation, race, citizenship or disability are more frequently the victims of bullying than their peers. It is critical that we recognize this type of bullying, which is known as discriminatory bullying, because when young people perceive bullying to be discriminatory, they are at an even greater risk for depression, peer victimization and lower levels of perceived control. Because certain groups of young people have been shown to experience higher rates of bullying and more negative outcomes, Kids Help Phone supports the position taken in section 303.1 of Bill 13, which prioritizes support for activities or organizations that promote gender equity, anti-racism, people with disabilities and people of all sexual orientations and gender identities.

(5) Bullying prevention and policy should emphasize non-punitive, whole-school approaches that focus on creating a positive school culture.

(6) I know I’m running out of time, so I will move on to our sixth, which is that we need to engage young people with adult allies. No one has their finger on the pulse better than young people themselves. In fact, research has shown that youth are more able than adults to provide appropriate, credible solutions to the problems they face. Thus, effective policy should be grounded in the recognition that young people are experts, and it’s critical that we develop clubs and safe places for young people, such as gay-straight alliances and equity clubs and other clubs, to help us promote a positive school climate. However, we also have to ensure that these young people need adult allies to stand with them so that they have the resources and tools that they need.

In conclusion, we are pleased that this committee is looking into addressing bullying in schools and that the perception of bullying has shifted dramatically, that tolerance is no longer the norm, that “tough it out” is no longer acceptable advice. Bullying is a serious issue with devastating consequences.

We recognize that any strategy moving forward to address bullying must be premised upon the experiences and realities of young people from all walks of life. We know that bullying and cyberbullying intersect with different forms of oppression, such as sexism, racism and

homophobia, as well as with harassment, to create a qualitatively different experience for young people. We are committed to supporting the future development and implementation of national strategies, policies and programs through our access to young people and their real lives and words throughout Canada. Kids Help Phone is helping young people learn every day that if they are witness to or experience bullying in any manner, they must reach out. It is the responsibility of all of us, as adults, to ensure that these young people have somewhere safe to turn for help. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It was timed out almost perfectly.

Ms. Lisa MacLeod: Mr. Chair, if I could say, on behalf of all of us, thank you very much. The Kids Help Phone does enormous work for our communities. I thought your presentation was value-added and I wanted you to know that before you left.

Ms. Alisa Simon: Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for coming.

Ms. Tracy MacCharles: I just wanted to say thank you for the materials you shared. It’s very helpful for our constituency offices.

Ms. Alisa Simon: And if you would like more materials, you can contact Kids Help Phone at any time. We have more.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): On behalf of everyone here, thank you very much for all you’ve done.

MS. KATHLEEN MURPHY

The Chair (Mr. Ernie Hardeman): Our next presentation is Kathleen Murphy. Kathleen, welcome to the committee. I noticed that you have been watching others too, so you’ll know that you have exactly 15 minutes to use any way you see fit—all or any of it. At the end of it, the questions will be coming from the government caucus first, depending on how much time is left. With that, if you can just include your name at the front of your presentation, from there on, the 15 minutes is yours.

Ms. Kathleen Murphy: Thank you, Mr. Chair. Thank you, members of the standing committee. My name is Kathleen Murphy and I am speaking today simply on my own behalf as the mother of two girls in the Conseil des écoles catholiques du Centre-Est.

In February, I sent every MPP a letter expressing my concerns on the subject of Bill 13. The best response I got back was from Mr. Jerry Ouellette, the MPP for Oshawa. It was obvious from his response that he had read my letter, and I wish to thank him on the record for having taken the time to get back to me, particularly as I am from outside his riding. I was very impressed.

I would like to further note that I did not get any response from my own MPP in Ottawa South, Mr. Dalton McGuinty.

1430

Bullying causes great suffering and distress and can have the most tragic of consequences. Students should never face harassment, intimidation or violence at school, and all students deserve dignity and respect because of what we share in common as human beings.

Bill 13's definition of bullying in section 1 says that bullying is "based on factors such as size, strength, age, intelligence, peer group power" and so forth. This is a limiting definition. Some, perhaps most, bullying victims do not fall into these neat categories, and yet they are bullied relentlessly nevertheless. I greatly prefer the definition that is given in Bill 80—or Bill 14—as it focuses on the bullying behaviour itself and not on limiting the victims to only certain categories.

In fact, Bill 80 is overall a much better document. It applies generally to all situations of bullying, and it admirably serves the purpose of providing protection to pupils. Bill 13, on the other hand, contains an admixture of anti-religious initiatives and LGBT activism that, in my opinion, weakens its overall efficiency and effectiveness as an anti-bullying measure.

Popular anti-bullying advocate Dan Savage, of the It Gets Better Project, seems to think that traditional Christian morality is a key source for anti-gay bullying. He seems to assume that all opposition to his approach is motivated by bigotry and hatred on the part of Christians.

In fact, traditional faith-based morality can be the solution to bullying. Here is a scenario: Child A says her parents are gay, and Child B says something disrespectful to Child A because of it. Child B was childishly expressing an immature and only half-understood religious perspective on sexual morality. Even as an adult, it is sometimes difficult to make sure that one's meaning is fully clear when making the distinction between accepting a person as a fellow human and refusing to accept certain sexual practices as being morally good. Children are not likely to get it right the first time they try to express themselves.

This could be handled in a Christian or Jewish context via impressing upon children the seriousness of the Ten Commandments. The eighth commandment, that you shall not bear false witness, prohibits rash judgement, detraction, harming another's good name and lying, all of which are involved in bullying. The fifth commandment, you shall not kill, covers physical violence: shoving, hitting and so forth.

Assuming that Child B has reached the age of reason, and depending on the nature and frequency of B's harassment of A, Child B is certainly sinning, perhaps even mortally.

In non-Catholic schools or with a non-religious child, the golden rule—do unto others as you would have others do unto you—can be used to similar effect: Child B must treat Child A with respect because of their shared common humanity. It does no good to simply chastise or shame Child B for holding the wrong opinions.

The point is, there is no need to force Catholic schools to repudiate the catechism or for public schools to

prohibit Christians from expressing biblically based morality in order to protect LGBT students. Yet Bill 13 does exactly that in several ways, and I would like to emphasize two of them: first by emphasizing equity and inclusive education, which itself seems to be implemented in a problematic way; and second, by insisting on gay-straight alliances upon student request, even in Catholic schools. Both of these seem innocuous, yet these can be troubling in a context where traditional faith-based morality is seen as being homophobic by nature.

First, Bill 13's section 2, would "require boards to develop and implement an equity and inclusive education policy." The ministry already has documents on this subject: *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy, 2009*, and the associated guideline for policy development and implementation.

These documents are problematic in that they impose a value system incompatible with many traditional faiths or principled non-religious philosophies. Page 4 of the strategy defines inclusive education as being "based on the principles of acceptance." Will traditional-principled students be required to accept homosexual sexual activity as a good, lest they be accused of homophobia? This would seem to be the case.

On pages 16 and 17, the strategy lauds the Toronto District School Board for celebrating the Gay Pride Parade, which is included in a list of cultural events. Many people, religious or non-religious, gay or straight, would object to having schoolchildren celebrate an event which itself celebrates sexual promiscuity.

On page 58 of the guidelines, the ministry tells teachers to "assume responsibility for examining and taking steps to modify personal beliefs and biases that are inconsistent with equity and inclusive educational principles." Could this mean that teachers with traditional values, religious or not, are not wanted in the Ontario school system? By specifying the equity and inclusive education strategy, which itself has curriculum implications, Bill 13 will undermine the rights and duties of traditionally minded parents to form their children in their faith. It will cause confusion in children from traditional-values families when they are exposed to an environment in conflict with the values taught at home and church.

If Bill 13, section 2, wants schoolchildren celebrating the Gay Pride parade and teachers modifying their personal beliefs and biases about this not being a good thing, then surely Bill 13 is hostile to traditional faith and morals. Bill 80, which limits itself to addressing bullying, is a much better approach.

Bill 13, section 9, says that "Every board shall support pupils who want to establish and lead,

"(a) activities or organizations that promote gender equity;

"(b) ... anti-racism;

"(c) ... awareness and understanding of, and respect for, people with disabilities; or

“(d) ... awareness and understanding of, and respect for, people of all sexual orientations and gender identities, including organizations with the name gay-straight alliance or another name.”

Section 9 allows only these four categories of activities or organizations. Activities or organizations that would fight all bullying, in a generic sense, would not fall into the type of groups allowed by section 9. Given the various statements from education minister Laurel Broten in the media, it would appear that she would not permit the formation of generic anti-bullying groups. This is particularly problematic for Catholic schools, since the recent Catholic school trustees' association document, *Respecting Difference*, proposes a way of fighting bullying with generic anti-bullying clubs within the context of the Catholic catechism.

Because of the name recognition factor, the LGBT community greatly values GSAs as a symbol of LGBT activism. They are not only anti-bullying clubs. GSAs were developed by the Gay, Lesbian and Straight Education Network in the United States starting in 1988, according to the GLSEN website. In Canada, GSAs are networked and promoted through Egale Canada's MyGSA website, and in Ontario through the Ontario GSA Coalition. These organizations provide materials, support and speakers for GSA events.

I recognize that belonging to a GSA would give a same-sex-attracted youth a peer group, but only by indoctrinating them into gay identity politics as interpreted by GLSEN and Egale. This concerns me for three reasons. First, when people are encouraged to self-identify primarily as gay, lesbian, bisexual and so forth, they are reducing their whole being to their sexual attractions. Secondly, basing one's politics on group marginalization, be that sexual, racial, linguistic or whatever, prevents one from seeing others as part of one shared civil society and, paradoxically, magnifies marginalization. Finally, some same-sex-attracted youth want to: live chastely; develop the self-mastery that leads to inner freedom; cultivate honest friendships; grow in spirituality, in prayer and by sacramental graces; and thus gradually and resolutely approach Christian perfection. Frankly, some opposite-sex-attracted youth want to do this as well. A GSA would not necessarily support such a person. I've included some excerpts from websites in the appendix.

GLSEN and Egale are inspired by and wish to promote a governing philosophy that homosexual sexual activity is natural, healthy and good and that one's identity as a same-sex-oriented person is fulfilled when one engages in same-sex sexual activity. This is in contrast to the approach taken by *Courage*, for example, a group for same-sex-oriented Catholics, which says that “By developing an interior life of chastity ... one can move beyond the confines of the homosexual identity to a more complete one in Christ,” which is the universal call of all Christians.

Yet the Ontario government has said that schools may not present any pro-chastity messages to gay students,

even in Catholic schools. Under these conditions, then, it would be logically impossible to have a Catholic GSA, for it is impossible to simultaneously hold two contradictory ideas: that in the one instance, the idea that homosexual sexual activity is good and something to be pursued, and in the other instance, the ideas of the catechism of the Catholic church, which classifies homosexual sexual activity, along with fornication, adultery, masturbation, oral sex and artificial contraception, as being mortal sins to be avoided.

1440

In my opinion, Bill 80 handles this much better. Bill 80, section 7, requires boards to establish bullying prevention plans. In preparing such a plan, a board is to consult widely, including with parents—subsection (3)—and allow, in subsection (4), for different bullying prevention plans that apply with respect to different schools. This approach is much more flexible. It would allow Catholic schools the opportunity to approach the subject of bullying from within a traditional Catholic context, as proposed in the document *Respecting Difference*, and non-Catholic schools to provide a similar generic anti-bullying approach.

I believe Bill 80 will also provide more practical tools for teachers in a way that Bill 13 does not. In 2007, the Education Act, section 306, was revised to include bullying in a list of activities that could lead to suspension, and there are a number of policy documents on the ministry website on the subject of bullying and how to manage it.

Teachers and principals already have complete legal and policy justification for stepping in to protect a victimized child. What I think teachers would most benefit from would be improved training for new teachers in faculties of education in Ontario and from developing additional professional development courses for current teachers related to the subjects of childhood mental health, autism, ADHD, the developmental maturity of children and the identification and management of bullying situations.

Note that section 4(1) of Bill 80 actually establishes such training programs, whilst Bill 13, in section 7, subsections (3) and (4), only mentions that the minister may establish various policies and guidelines for teacher training. Bill 80 handles the subject better.

In summary, I am concerned that Bill 13 attempts to redefine religious beliefs about sexual behaviour and substitutes a world view antagonistic to a more traditional faith-based sexual morality, through the way equity and inclusive education is being defined and implemented and through GSAs. If additional legislation must be passed, Bill 80 is a much better model than Bill 13. An anti-bullying bill need not be an anti-religious bill. In fact, I don't believe that any additional legislation at all in this regard is required, but rather, assistance to teachers in practical ways of protecting the children that parents have placed in their care.

Thank you for this opportunity to share my views, Mr. Chair and members of the standing committee. I would be happy to answer your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. If we were to put questions, we would not possibly have time for both a question and an answer. We thank you very much for your presentation.

Ms. Kathleen Murphy: Thank you.

MS. EMILY WEHBI

The Chair (Mr. Ernie Hardeman): Okay, our next delegation is Emily Wehbi.

Interjection.

The Chair (Mr. Ernie Hardeman): Oh, she just stepped out?

Mrs. Jane McKenna: There she is.

The Chair (Mr. Ernie Hardeman): We have to drag them in from the hallways. Welcome. I know we're slightly ahead of schedule and we very much appreciate you being here to do that. If you want to just give the printout to the clerk, he'll make sure that all the committee gets it. If you will take a seat at the microphone there—as all the other delegations, you will have 15 minutes to make your presentation. You can use any or all of the time that you have. If you do not use all your time, questions will come from the committee, but they will start with the government caucus.

Having said that, if you could give your name for the record in the microphone before you start, and from there on the floor is yours for the next 15 minutes. Thank you.

Ms. Emily Wehbi: Thank you very much. My name is Emily Wehbi. Good afternoon, Mr. Chair and the standing committee. I'm here today to speak to you as a citizen of Ontario, as a youth leader at a local parish, as well as a concerned parent.

First, I would like to state at the forefront of my presentation that my preference is for Bill 80 over Bill 13. In order to give you a better context for my presentation, I'd like to begin by making a few preliminary remarks. First of all, I despise all forms of violence and harm experienced by children, and I fully recognize the importance and support your attempts to end the suffering experienced by the victims of bullying.

The preamble of Bill 13 states that "all students should feel safe at school and deserve a positive school climate that is inclusive and accepting." I too want this for my son when he enters school. I am concerned that the proposed Bill 13 will create an environment where my son's sincerely held religious beliefs will not be welcomed and possibly punished. I'm concerned that he will be denied the safe space and positive school climate that this bill is trying to achieve. By identifying special, protected groups, Bill 13 creates two tiers of victims. Unfortunately for the children that I am in contact with who are bullied because of their religion, their economic status and/or physical experience, they find themselves in the second tier.

As a youth leader, I can tell you first-hand how devastating acts of bullying can be to children and how, with today's hyper-connected society, with Facebook and all the social networking sites, bullying can be extremely

invasive and powerful and follow children everywhere they go.

I can honestly say that every time I hear a story of a child who was bullied, it breaks my heart. However, when I read this bill, I read it through the lens of a mother and try to place my son in it.

I understand that many parents want this legislation to go through to protect their children, and I too want to protect my child. I want to ensure that he has a healthy, safe and inclusive learning environment where he can feel accepted so that he can succeed.

My fear is that my son's religious beliefs will not be welcome in the school and that he will be punished if he manifests them. Ultimately, I am concerned that this bill will create an environment in which he will be made to feel insecure and intimidated about his sincerely held religious beliefs and, through intimidation, he will be constrained from voicing them.

In the Supreme Court of Canada's seminal decision on freedom of religion, *Her Majesty v. Big M Drug Mart Ltd.*, Judge Dickson said, "The essence of the concept of freedom of religion is the right to entertain such religious beliefs as a person chooses, the right to declare religious beliefs openly and without fear of hindrance or reprisal, and the right to manifest religious belief by worship and practice or by teaching and dissemination."

At its core, freedom of religion encompasses both a positive dimension—freedom to believe and to manifest one's religion—as well as a negative dimension—no one can be forced, directly or indirectly, to act contrary to what he or she believes.

Freedom of religion in Canada has also been interpreted as necessitating the reasonable accommodation of minorities. Bill 13 is not accommodating to students of the Shia, Sunni, Jewish, Orthodox, Catholic, Evangelical or Sikh communities who would disagree with the scope of "inappropriate behaviour" that has been set by the bill.

If manifesting Christian beliefs with regard to sexual orientation and gender identity is deemed inappropriate behaviour, what means for developing their critical consciousness will schools be providing students, as mentioned in the preamble, paragraph 5? What type of early intervention would be required? What resources will they be supplied with? How will they be assisted in building healthy relationships and making good choices? Is that to say that students that hold religious beliefs necessarily have unhealthy relationships and make wrong choices?

There is a fundamental difference between an innocent child, speaking without malice or intent to harm from a faith-based perspective, and a student who is targeting another student, intending to harm. I do not feel that this bill represents that. I especially feel that including the term "ought to know" in subsection 1(a) is overly burdensome to children. As an adult, I often question how I—when, how and to whom—should respond to questions regarding religion and sexual orientation and gender identity. I believe that it is inappropriate to draft a piece of legislation that can so obviously capture innocent children trying to reconcile their religious

beliefs that they have been taught at home with the environment that surrounds them. A child either knows what they are doing is wrong or they do not.

In my faith, parents have the primary responsibility for educating a child, and when a school negatively identifies the position of a parent who believes that certain individuals should be protected but their sexual activity is wrong, it not only attacks the position of the parent but it demonizes them and it attacks the cultural and religious background of the child.

I teach my son to differentiate between an individual and their behaviour. This is a fundamental part of our faith: that a person can be made in the image of God—and everyone is and everyone deserves love and respect—but that their practices may fall short. The way Bill 13 has been drafted captures our faith's deepest beliefs about who we are and who God is by touching on gender identity and sexual orientation. Will my son be accused of being homophobic because he believes that homosexual activities are wrong? If he manifests his belief without intent to harm, will he be punished? Will the school teach him otherwise? If so, this bill is limiting his ability to grow in his faith and is interfering with my role as his primary educator.

If you will allow me, I have a few comments based on the bill. I would even prefer—if any of you have any comments or questions about what I've said already, I could answer those.

1450

The Chair (Mr. Ernie Hardeman): The floor is yours for the 15 minutes, but I would suggest that what you want the committee to know, you relay to the committee.

Ms. Emily Wehbi: I've also noticed that in the bill the word "creed" is used twice and the word "religion" is used twice. The context in which the word "creed" is used is when it's describing a ground for bullying, and when the word "religion" is used, it's used to describe a bias or a contributing factor to bullying. That was something I noticed that I thought was particular and peculiar, and I was hoping that they could be reconciled. If there was a reason behind that, a distinction between "creed" and "religion," maybe that could be considered for change.

A second comment that I have is that in the preamble, paragraph 5, it says, "Believe that students need to be equipped with the knowledge, skills, attitude and values to engage the world and others critically, which means developing a critical consciousness that allows them to take action on making their schools and communities more equitable and inclusive for all people, including LGBTTIQ." I completely agree that that group of people should be included. However, if one group is mentioned, I feel that all the groups should be mentioned. And if all the groups are not mentioned, then perhaps it could end after "all people." The reason for that change would be, like I mentioned in my presentation earlier, I believe that it creates a two-tiered group of victims, where one group is more protected than another. It also leads one to believe that in order to be critically conscious, you should

specifically promote equity and inclusiveness for that group.

My next comment is just to go a little bit deeper with the term "ought to know." I feel like this is very burdensome, especially for children who are raised in different homes and whose parents have the responsibility to be their primary educator. Who is it who's going to be determining what a child ought to know, and what is it that a child ought to know? Are we expecting a child at what age to be able to determine the causal effect between something that they would say that could likely cause harm, not necessarily even cause harm?

My next comment is just a general comment that I noticed throughout the bill, that it talks about the minister's prerogative to implement changes to a school's policy or to train teachers. My comment here would be specifically about the Catholic school board, just wondering whether or not these changes that would be coming out of the minister's office would be respecting the Catholic moral teaching of the Catholic school board, as per their constitutional right.

My final comment is about the use of the concept of "inappropriate behaviour" that seems to go beyond bullying. Here it says, "To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia." My comment here would be, in terms of inappropriate behaviour, it seems like it's a much larger scope than a more targeted definition of bullying. Where would this definition of inappropriate behaviour end? Incidents based on homophobia would be an example that I would want to raise. Would someone whose sincerely held religious beliefs, which would say that homosexual activity, homosexual actions are wrong—would that student be considered to have committed an incident that is based on homophobia? Would they then be subject to punishment? Would that be considered bullying? Because as it reads, the incidents are outside of bullying; they're not within. The incidents based on homophobia are not the motivation for bullying. They're a separate activity.

I know the topic of GSAs has probably come up a lot so far—a few times—so I will raise it, and I hope I don't sound like a broken record. The reason I am raising it is not because I think that students who want to be able to find peer support not be allowed to. The reason I'm raising it is because GSAs are part of a larger network outside of the school system, and I think it's a concern to have an outside organization that has other political motivations and other ties to be placed within a school environment with students.

I also believe, as I mentioned in the preamble, that if a board is going to be expected to support clubs or allow pupils to establish and lead certain clubs, all clubs should be listed or none at all. Again, it goes back to the original comment I made about creating tiers of victims or tiers of bullying.

The Chair (Mr. Ernie Hardeman): We have about two minutes left. The government side: Mr. Delaney.

Mr. Bob Delaney: Are you aware that many student-led groups such as gay-straight alliances already exist in Catholic schools under a variety of names? For example, at St. Francis Xavier school in the greater Toronto area, it's called "embracing Xavier equality."

Ms. Emily Wehbi: Yes.

Mr. Bob Delaney: Could you tell me what you feel you need to protect children from and what it is in this bill that you feel will cause children to require protection?

Ms. Emily Wehbi: What I feel is that this bill has not struck the right balance between protecting groups. We live in a country where there are multiple different opinions and ways of life, cultural backgrounds, creeds, faiths and religions, and in our society, we need to balance the rights of each so that one group doesn't overstep another. I feel that right now, this bill is placing the rights and protection of the LGBTTIQ community above the rights of other students who would wish to voice and manifest their religious beliefs, which might be interpreted, through this bill, as being inappropriate behaviour.

Mr. Bob Delaney: If I were to give you a copy of the bill, could you tell me exactly which section gives you that impression?

Ms. Emily Wehbi: Yes. I have it right here; it's okay. Under section 300.0.1, "Purpose," clause 2, "To encourage a positive school climate and prevent inappropriate behaviour, including bullying, sexual assault, gender-based violence and incidents based on homophobia."

My question would be, in terms of "incidents based on homophobia," would a student voicing or manifesting their sincerely held religious belief, as per their freedom of religion under the charter, be committing an "incident based on homophobia"? Because subclause 1(1)(a) in the bill says that a child "ought to know," would a student who voices their religiously held belief, even if they were doing it without malice or intent, be told that they ought to have known that that was likely to cause harm and then be accused of having committed inappropriate behaviour, and then, under 300.0.1, have that behaviour addressed and have early intervention and all of those ramifications? What would early intervention be if their comment—

Mr. Bob Delaney: I think we're out of time.

Ms. Emily Wehbi: Oh, sorry.

The Chair (Mr. Ernie Hardeman): Thank you very much for your time. The time has been used up. Thank you for your presentation. It's much appreciated.

Ms. Emily Wehbi: Thank you very much for the opportunity to speak.

1500

ONTARIO STUDENT TRUSTEES' ASSOCIATION

The Chair (Mr. Ernie Hardeman): Next is the Ontario Student Trustees' Association. Is the Ontario Student Trustees' Association present?

Ms. Lisa MacLeod: He's outside.

The Chair (Mr. Ernie Hardeman): Okay. We'll just wait a moment while they—

Interjection.

The Chair (Mr. Ernie Hardeman): Sometimes it happens, when you have every chair filled, that people wait in the hallway, but it seems we have to go and get everybody in, in spite of the fact of having plenty of chairs here that they could sit in.

Ms. Lisa MacLeod: Because it's so warm in here.

The Chair (Mr. Ernie Hardeman): But anyway, we'll wait just a moment. We are just slightly ahead of the time that their presentation was actually to start.

Ms. Lisa MacLeod: So, Chair, we're running about 15 minutes early.

The Chair (Mr. Ernie Hardeman): Yes.

Ms. Lisa MacLeod: Okay. That's great.

The Chair (Mr. Ernie Hardeman): This is the Ontario Student Trustees' Association? Very good. Have a seat. As with previous delegations, you will have 15 minutes in which to make your presentation. You can use all or any part of those 15 minutes for the presentation. If you leave time at the end for questions, we will have the questions from the committee members. The questions will start with the opposition side. Prior to starting your presentation, if you would put your name on the record, we'd very much appreciate that. With that, the next 15 minutes are yours.

Mr. Kareem Ibrahim: Fantastic. Thank you, Mr. Chair.

I'd just like to begin by introducing myself. My name is Kareem Ibrahim. I am the communications officer of the Ontario Student Trustees' Association, l'Association des élèves conseillères et conseillers de l'Ontario. Today, I am representing the two million students we represent here in Ontario, the largest student stakeholders in education.

Basically, what we're here to emphasize and reiterate is the students' perspective on Bill 13. Bill 13 is a fantastic piece of legislation that our organization was more than thrilled to receive when we received this news. It's something that we want to help further in Ontario's education system.

As you may already know, OSTA-AECO, which is the organization I'm here representing, has been very involved and at the forefront of the anti-bullying effort here in Ontario with respect to different awareness campaigns, discussions, surveys and things of the like that have promoted this kind of atmosphere that caters to a more inclusive and equitable environment both in Ontario's community as a whole and the education system.

I'd just like to reiterate that we do represent the students. Although there may have been different groups that have been here as delegations which may have also been of a similar persuasion to represent the students of Ontario from a different point of view, we'd just like to reiterate that as the largest student stakeholder in Ontario's education system, it is truly us who go to the effort to consult with our students through our network of

student trustees, who go back to their school boards and so on and so forth to really gather student opinion and see: What are students thinking? How do students feel about bullying? Is it something that needs to be addressed?

In 2011, the Ontario Student—and parent—Survey was a project that we piloted here in Ontario. It was the second annual survey of its kind. We surveyed over 7,000 students and over 2,000 parents concerning various different social issues such as water bottles and how they impact the environment in school boards, anti-bullying, sex education and things of the like.

Something that we found when we surveyed students, asking, “How would you feel if a student in your school were to establish a gay-straight alliance, a GSA? Do you believe that they should have the right to do so in and of themselves?” was that 88% of students agreed that this is something that must happen in schools, while 79% of parents believed that students should have that right to establish a GSA in their schools. It speaks to the idea that students truly do believe in the inclusive environment that education must truly embody. Bill 13 is something that we believe will help further these efforts at a more concrete level when represented by the powerful voices of the provincial government of Ontario.

Another clarification that the Ontario Student Trustees’ Association wishes to make with respect to how we see Bill 13 going forward is simply that the whole controversy surrounding the clause of the gay-straight alliance is really crucial. The fact that an initiative so positive in our education community and something that we really don’t want to see hesitate when we go forward with—it’s something that really pains us a little bit to see. When we see Bill 13, we think of positive change; we think of all the different things that’ll come of it that will benefit students in Ontario and continue that cycle of positive change that will eventually lead to what we—idealistically, some might say, but realistically—like to think of as no bullying whatsoever.

Our thoughts on the whole idea of removing the GSA clause from directly within Bill 13, as was proposed in the alternative Bill 14, is something that we’re a little bit hesitant to accept. The reason behind this is that we believe that the three-word phrase “gay-straight alliance” is not a title of an organization. Something that we noticed in Bill 13 is that it wasn’t capitalized. Although it might be a minute detail, it really goes to say a lot, because it shows that this is simply a common name that goes to reference a group that might not have that name in their school. It might be an equity club; it might be a rainbow alliance. Whatever it might be, it simply goes to serve as an example and a universally understood symbol of exactly what the club represents: an alliance between gay and straight students.

That’s why we, as students of Ontario, simply want to continue to enforce that we love the work that’s being done with Bill 13. We love it. We encourage everyone here sitting around this table to vote in favour of it because genuinely it’s what the students want and it’s

what will continue to better our education system as a whole.

In the 2010 student survey that we piloted as the Ontario Student Trustees’ Association, we didn’t target the parent community. We simply asked students, because this was back when the Ontario Student Survey was in its infancy. One of the questions we asked was, “Have you been bullied as a student?” You’d be surprised to know that over 50% of the respondents said yes.

Simply to reiterate and kind of capture all that I’ve said in a little bubble: Bullying is an issue that we have to continue to talk about, to be proactive with respect to in our community, and it’s something that we can’t really hesitate around when it comes to implementing different practices and different policies and bills like Bill 13 that will continue to benefit our students and education system.

Thank you for your time. I appreciate the opportunity to be able to come and speak in front of you today. I do believe genuinely, although I am one person, through the diverse system that we’ve come up with over the past 10 years of the Ontario Student Trustees’ Association’s existence, that I do represent right now the voice of thousands of students in Ontario who do believe that Bill 13 is something that needs to happen and something that will be a definitely positive step in the right direction with respect to this long journey that we’re only beginning but we hope will soon end. Thank you.

The Chair (Mr. Ernie Hardeman): Very good. Thank you very much for your presentation. We do have about seven minutes left, so I guess we’ll start with the official opposition.

Mrs. Jane McKenna: Thank you so much. Your passion in your voice was phenomenal, sitting here listening to you.

You said that you see a lot of positive change in Bill 13. Did you not see any positive change in Bill 14?

Mr. Kareem Ibrahim: Thank you, by the way, for your kind words. I do see them as being very two very similar documents that have a similar purpose, the only difference really being that Bill 14 is, of course, a little variation of Bill 13. The thing is, when we see something like Bill 13, it’s a very positive approach to the anti-bullying initiative that the government is putting forward. Bill 14 is the exact same thing. There’s one very subtle difference, and the subtle difference is the attempt to take out the GSA clause. Although it might seem like a small difference—it’s only three words with a hyphen in between; what can it really mean?—but the message that it sends, knowing that those three words coin a phrase that is slightly frowned upon in different communities throughout the province, through different religious groups per se, is sending, I think, the wrong message to students, saying that if we were to use those words quite explicitly in the name and providing it as a precedent for the name that could be proposed for a club, it goes to say that, “Although you may establish it, that may be not quite the extent to which the group might go,” if you know what I’m trying to say.

Mrs. Jane McKenna: Thank you so much.

The Chair (Mr. Ernie Hardeman): Thank you. Ms. DiNovo.

Ms. Cheri DiNovo: Yes, thank you, Mr. Chair. Thank you, Kareem. Thank you for your support. I'm obviously speaking as a member of the New Democratic Party, but also as a United Church Christian minister with a doctorate in Christian theology. I like to reiterate that. I like to out myself in that regard, because we've heard from a lot of folk coming forward who want to speak for all Christians or want to speak for all members of another faith.

I wanted to ask you if you are aware of, for example, the Ontario English Catholic Teachers' Association and their support. Maybe you could say something about that.

1510

Mr. Kareem Ibrahim: Thank you. Absolutely, I completely agree that the different teacher unions, both public and Catholic, that have supported Bill 13—the support really is remarkable. It goes to show that Ontario's community is thriving in the sense that we do want to come together and we do want to work in a united way to truly build that kind of support for students who need it in our education system right now, who are suffering at the hands of bullying. I do believe that that support is very crucial. The only subtle difference that I see between the support that is received for Bill 14 and Bill 13 is that with Bill 14, once again, there's that very slight modification that goes to send a message that doesn't quite nail it home as it does with Bill 13.

Ms. Cheri DiNovo: Also, from the Muslim community and others there has been support for gay-straight alliances as well, and I just want to put that on the record too, so it's not like people of faith versus people with no faith. This is a particular point of view put forward, and we thank you for speaking for students, because that's a voice we haven't heard a lot of at this committee. Thank you very much.

Mr. Kareem Ibrahim: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you.

Mr. Yasir Naqvi: Chair, I just want to take this opportunity to thank Kareem for the passion he brought today. I see him working in the community as a student trustee, and he is always as passionate as you saw today. I also want to note for the record that he spoke without a single note in front of him. It speaks to his beliefs and strong conviction. Thank you, Kareem, and thank you to your association and all your members for the hard work they do on behalf of the students across the province.

Mr. Kareem Ibrahim: Thank you, Mr. Naqvi.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation and for coming in today.

Mr. Kareem Ibrahim: Thank you, Mr. Chair.

MS. JOHANNE BROWNRIGG

The Chair (Mr. Ernie Hardeman): Our next delegation is Johanne Brownrigg. Very good. Thank you very much for coming in this afternoon to share your

presentation with us. As with the previous delegations, you will have 15 minutes to make your presentation. You can use any or all of it for your presentation. Any time you leave—and I guess we made the full circle that time with questions, so the questions will start again with the official opposition the next time around. With that, if you would state your name as you start your presentation, the next 15 minutes are yours. Thank you.

Ms. Johanne Brownrigg: Thank you. My name is Johanne Brownrigg. I come to you as a parent. I still have two children in the school system. I'm a mother of five. I want to thank you, Mr. Chairman, for this opportunity to address the group and for how welcoming and relaxed you're making everyone feel—those of us who are not accustomed to this environment. I intend to show you, with the pages of the government documents themselves to be codified in law by Bill 13, the curriculum changes that are of serious concern to so many parents.

Emily Wehbi and Kathleen Murphy said it very well and I will echo some of their concerns. Just as the three of us are not speaking for all Christians, there are student associations and school board associations that aren't speaking for all students and all teachers.

Several changes to the Ontario school curriculum will be driven by section 2 of Bill 13. This clause codifies in law a controversial policy of the Ontario government, the equity and inclusive education strategy. The Ontario government's guiding documents on the EIES, in turn, contains several definitions, guidelines for classroom lessons and instructions for teachers and staff that will both sexualize the curriculum in Ontario and suppress religious freedom.

The Liberal government's EIE strategy consists of three primary documents, as you're aware: The PPM 119; Realizing the Promise of Diversity, Ontario's Equity and Inclusive Education Strategy, which I will refer to as the EIE strategy from now on; and the Equity and Inclusive Education in Ontario Schools Guidelines for Policy Development and Implementation, which I will refer to as guidelines from now on.

By codifying in law the government's EIE policy, many radical, sexualized agenda items contained in the documents will seep into the curriculum, the classroom lessons and the school environment, placing these controversial ideas on the lips of every classroom teacher, in the name of equity, inclusivity and, somehow, anti-bullying.

So let's look. I have excerpts of the documents for your convenience, really. On page 89 of the guidelines it provides a definition that says a child's gender "may be different from birth-assigned sex." Also on page 89, it teaches that gender is "socially constructed." Are these radical ideas related to protecting students from bullying, or related to something else?

On page 17 of the document EIE strategy, the government recommends that schools celebrate the Gay Pride Parade. Is this committee fully aware that full nudity, bondage and mock sex acts are on full display at the Toronto Gay Pride Parade? The Toronto District

School Board has already followed the government document's recommendation on page 17 by including this in its own equity and inclusive education policy. Grade 3s are encouraged to attend the Gay Pride Parade, to cut out images from it or to hold one in their own school.

On page 21 of the guidelines, it instructs teachers to use texts written by gay and lesbian authors. This implies that gay themes will be present in those texts and discussed in the classroom, really regardless of what the actual subject being taught is, whether it's geography or math or something else.

On page 90 of the guidelines, it shows the disputed gender theory which refers to LGBT as different kinds of people. Again, do we want to cause psychosexual confusion amongst children? Do we want children to identify themselves by their sexual attraction? And how does this prevent bullying?

On page 89 of the guidelines, it provides the official government definition of homophobia, which makes no exception for sincerely held religious beliefs, the Bible or other sacred scriptures. This definition of homophobia reads, "A disparaging or hostile attitude or a negative bias, which may be overt or unspoken and which may exist at an individual or a systemic level, towards people who are lesbian, gay, bisexual, or transgendered." This definition has been deliberately made so broad that innocent comments made by students, teachers and parents out of sincerely held religious belief will be classified as disparaging and containing a negative bias. These people will be labelled as homophobes and bigots, and teachers who dare express their biblical beliefs about marriage will find that doors to advancement will probably be closed to them. This definition, which will be codified in law by Bill 13, and the anti-Christian ideology it contains will create systemic discrimination against teachers who hold a traditional, biblical view of human sexuality.

On page 58 of the guidelines, it provides a classroom self-reflection tool for teachers, which states, "In my classroom, I assume responsibility for examining and taking steps to modify personal beliefs ... that are inconsistent with equity and inclusive education principles." But this is unconstitutional.

Then on page 29 of the of the guidelines, it directly attacks the rights and reputation of traditionally principled parents by asserting that it is wrong and harmful to have only traditional gender identities accepted and reinforced in schools and at home. It sets the school system and the teacher against my belief system. It also sets the school system against the teachers' belief system.

On page 28 of the guidelines, it introduces the disputed theory of heterosexism. The government has elsewhere defined this term as "The assumption that everyone is or should be heterosexual and that heterosexuality is the only normal, natural sexual orientation." In fact, this is what millions of Christians, Muslims, Jews, Sikhs, Hindus and Buddhists believe. This definition labels all of them as carrying a false and

discriminatory belief. The government ought to leave this sensitive moral issue to families and not undermine them by codifying this controversial term in law and in the school curriculum with Bill 13.

On page 91 of the guidelines, it adds the word "queer" to the curriculum, so Bill 13 will codify in law a government policy which effectively tells teachers that they ought to help students self-identify as queer. This is not the role of a school; it is indoctrination.

On page 2 of the EIE strategy, it talks about "moving beyond tolerance to acceptance." Then on page 5 of the same document, it says, "We must ensure that we ... value the full range of our differences." So the government is instructing teachers that we must not only tolerate views and lifestyles with which we disagree, but we must also accept them, and we must not only respect people but we must value the full range of differences. Since we know this policy is focused on the LGBT issues, it's abundantly clear that the government is saying that we must accept and value—which is to say we must celebrate—everybody's sexual preference. But this is an attack on freedom of conscience, freedom of religion and parental rights. Parents and teachers with religious faith do not agree with this proposition. It amounts to another attack on them.

1520

On page 26 of *Realizing the Promise of Diversity*, the government admits that it intends to revise curriculum to ensure that homophobia is addressed in the classroom. Given the deliberately ambiguous, prejudicial government definition of "homophobia" and the desire to promote acceptance of the gay lifestyle, it is no wonder that parents fear the curriculum changes that will flow out of Bill 13.

Many parents are also convinced that Dalton McGuinty will eventually bring back the radical sex ed curriculum that he temporarily shelved in April 2010. Why? Because the government equity documents that will be codified in law by Bill 13 tell us so. On page 4 of the *Realizing the Promise of Diversity* document, it defines "inclusive education" as requiring that all students "see themselves reflected in their curriculum, their physical surroundings, and the broader environment...."

Then again, on page 60 of the guidelines, it instructs school staff to evaluate curriculum, library and classroom materials to determine what has been omitted and assess whether any discriminatory bias is present.

The government directive to have all students see themselves reflected in the curriculum is primarily talking about students who identify as LGBTTIQ. Since this directive will be codified in law by Bill 13, the sex ed curriculum will be brought back, no doubt.

Therefore, I ask you as a mother: Is it the role of the schools to eradicate from children the beliefs and values instilled in them by their parents? I ask you, what does anything I have read to you or shown you in these documents have to do with protecting children and teens from bullying? And I ask you finally, please strike from

Bill 13 clause number 2, which will require by law all schools to have an equity policy and give the minister power to rewrite that policy; or enact Bill 14 as is.

Thank you for your attention.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about seven minutes left. Again, we'll start with the government. Mr. Yakabuski—the opposition.

Mr. John Yakabuski: A Freudian slip, I'm sure, Chair.

The Chair (Mr. Ernie Hardeman): You never know.

Mr. John Yakabuski: You're hopeful, as I am, I know.

Thank you very much, Johanne. Thank you very much for your presentation.

Do you believe, Johanne, that students who have self-identified as being gay or homosexual, queer, whatever they choose to call themselves, should be protected in our schools?

Ms. Johanne Brownrigg: No more than anyone else, the same as everyone else.

Mr. John Yakabuski: But they should be protected.

Ms. Johanne Brownrigg: As anyone who has a big nose, who's poor, who is a different ethnicity should also be protected from bullying—all equally.

Mr. John Yakabuski: But could you just answer that question? Those students who I've identified should be protected.

Ms. Johanne Brownrigg: From bullying?

Mr. John Yakabuski: Yes.

Ms. Johanne Brownrigg: Yes.

Mr. John Yakabuski: Okay. And that is the essence of what anti-bullying legislation should be, correct? It should protect students.

Ms. Johanne Brownrigg: All students. Bill 14 does a good job of that.

Mr. John Yakabuski: The bill that we have before us, as I've listened to deputations for part of today—and my colleagues in our party, but also the other two parties, have listened for several days. But the ones I've heard today and the ones I've been able to pick up by monitor in our offices while the hearings were going on in Toronto—would it be fair to say that this has become not a discussion any longer about bullying, but a discussion about sexual orientation and sexuality?

Ms. Johanne Brownrigg: I think that's an excellent assessment. Unfortunately, that's what it's become. That was perhaps a deliberate plan, and it's easily remedied with Bill 14, which does seek to protect students without engaging in controversial and somewhat damaging approaches to bullying.

Mr. John Yakabuski: Would it be your contention that Bill 13, if passed in its present form, would very seriously infringe upon your right as a parent to raise your children in the religion you believe in and follow, and that it would restrict your ability to raise them in that religion, given the influence the school can have on children?

Ms. Johanne Brownrigg: Yes. I bet you didn't think I could answer in one word.

Mr. John Yakabuski: Yes. You did. You caught me off guard. I expected a little more. I now have to think of my next question.

There has been a suggestion from some people who have testified today, or spoken—"testified" is a strong word—that if Bill 13 is enacted without the kind of amendments they've talked about, or where it specifically talks about protecting students—all students—equally and inclusively, that in its present form it would likely be challenged in the courts, which of course would tie the bill up for some time and maybe prevent the implementation of not only Bill 13 but any bill that may be designed to protect students against bullying in the classroom, or outside the classroom as well, but certainly within the environment of the school.

Do you share the view that it could be the case that it could be challenged in the courts, and if it's held up it would actually prevent the implementation of what we're trying to do; that is, protect students against bullying?

Ms. Johanne Brownrigg: Yes, indeed, an unnecessary delay in protecting children. It would tie up—I didn't know that it would tie up other bills. It certainly will tie up a lot of money.

Mr. John Yakabuski: Thank you very much.

The Chair (Mr. Ernie Hardeman): That concludes the questioning.

Thank you very much for your presentation. Much appreciated.

Ms. Johanne Brownrigg: Thank you.

The Chair (Mr. Ernie Hardeman): Our next presentation is Elvira Varriale. Is she here? Is Elvira Varriale here? No. Are Dawn Moore and Ariel Troster here? That's the one beyond. It seems we have one not here yet, but we're ahead of time.

MS. ARIEL TROSTER

MS. DAWN MOORE

The Chair (Mr. Ernie Hardeman): If you want to come forward, we'll do yours. Thank you for coming this afternoon to make your presentation. As with the previous presenters, you will have 15 minutes to use as you see fit. You can use all or part thereof for your presentation. If, at the end of the presentation, there's time left for questions, this time they will start with the third party. When you start your presentation, would you include your name for the record so they can write it in properly? With that, the next 15 minutes are yours.

Ms. Ariel Troster: Thank you. Good afternoon. My name is Ariel Troster, and I'll be sharing my time with Dawn Moore, who is here to represent Camp Ten Oaks. I'm speaking as an individual, as a long-time activist in the LGBT community and as a very soon-to-be parent. My wife, Caitlyn Pascal, was on the way here, but I guess I'm presenting a little early. We're expecting our first baby in about five weeks.

I felt compelled to come forward and speak in favour of Bill 13 after reading about some of the truly vile and

homophobic rhetoric that was expressed at previous meetings of this committee in Toronto. I want to state clearly and unequivocally that I believe that legislation of this nature is urgently needed in Ontario's schools. I don't want to have to make a presentation of this nature in 14 years when our own daughter enters high school.

1530

You've already heard from some really excellent, established organizations with some criticism of some of the language in the bill: the omission of gender identity, gender expression and biphobia and transphobia. So I'll leave that to Egale and to the Ontario GSA Coalition. I just want to state that I support their analysis.

That being said, I'm here to tell you why I support the bill on a personal level. LGBT youth are targets of bullying, and they need protection. Lesbian, gay, bisexual and trans youth, or those perceived to be, are targets for bullying, and they're at risk of depression and suicide. There have been quite a few high-profile suicide cases in recent years, including—I understand that Jamie Hubley's father was here this morning. When I attended the vigil following his suicide, I pledged to do everything I could at a personal level to support queer youth in high schools. Even one death is too many.

Again, I would reference the presentation made by Egale and the Ontario GSA Coalition for more detailed data. But, really, it's indisputable that LGBT youth face a very specific kind of bullying, and they face a very specific kind of torment. Despite attempts by fundamentalist groups to gloss over their specific treatment, I believe that they merit specific mention in the law for a very good reason.

The second reason I support this bill is because LGBT youth are demanding the right to form GSAs, and it's our job to listen to them. The strongest and most convincing advocates for GSAs continue to be the youth themselves. Andrea Houston has spent the last couple of years documenting in Xtra the relentless and brave fight by LGBT youth in Catholic schools to have their rights respected. In one case, students were banned from displaying rainbows in their Catholic high school, and instead they subversively baked them into cupcakes, which I thought was kind of genius. They have done everything in their power to advocate for themselves, and now it's our time to advocate with them and for them.

To my knowledge, "gay-straight alliance" is the only club name formed by high school students that's being discussed at this level and that an entire school board refuses to acknowledge. That really says something, because it's certainly not the words "straight" or "alliance" that people are objecting to. The right to name ourselves is a crucial part of our liberation and our struggle for human rights. High school students should be able to name their clubs whatever they deem to be appropriate. They shouldn't have to adopt a generic name. Frankly, by erasing the name of their groups and attempting to neutralize their right to self-identify, trustees are telling LGBT youth to erase their identities. We can't sit by and allow this to happen.

The third reason I support this bill is because LGBT rights only exist on paper if our youth can't exercise their rights in schools. Our community has fought for more than 40 years to achieve legal equality, and we're almost there. The legalization of equal marriage across Canada in 2006 was a crucial victory after decades of street protests and court battles. And just this month, in Ontario, there was all-party support to add human rights protection for trans people to the Ontario Human Rights Code, and I applaud all of you for that.

But it's unbelievable to me that there seems to be all-party support for formal rights on paper, but we can't get agreement to let high school students form their own clubs and name them whatever they want. I mean, it's quite unbelievable to me, because these legal rights have no effect on the lives of vulnerable teenagers if young people are not permitted to exercise their rights at school, if they're told that their identities are dangerous and that adults don't support them. That's why legislation of this nature is so crucially needed.

The fourth reason is, sometimes children need protection from adults and from the adults who purport to represent them. I've followed the last three meetings of this committee with great interest, both in the mainstream media and on Twitter. While I was impressed at how articulate and passionate LGBT youth were in advocating for their rights, it was the adults whose behaviour appalled me. One person who presented to this committee referred to homosexuality as a "toxic delusion." Another trotted out the false and unsubstantiated notion that homosexuals have a higher likelihood of committing murder. Another suggested that the best that queer youth could hope for is tolerance, because "acceptance is unacceptable." And to top it all off, as has now been reported in the media, Catholic school trustees have confirmed they will never allow students to use the term "gay-straight alliance."

If this doesn't make the argument in favour of implementing this legislation, I don't know what else does. Clearly, LGBT youth need protection from the adults who would shame them or wish them harm. Ensuring their safety and the quality of their learning environment should be our primary and paramount concern. If anything, the reaction from some parents and some religious leaders underscores why this law is so important. There is nothing criminal or immoral about young people's need to get together with each other, to share resources and to plan social events. Really, these groups are rather innocuous. If anything, the fear that this bill provokes is proof of its necessity.

I just also want to say that these hearings have been dominated by people claiming to represent organized religion when in fact there are many people of faith who are entirely accepting of LGBT rights. My uncle and two of my cousins are rabbis. They were all at my wedding. They are all very strong and forceful advocates for gay rights. There's a real diversity of opinion when it comes to people within religious communities.

As a citizen of this province, I am appalled that publicly funded schools continue to act with impunity

against queer youth. I understand the question that you asked the previous presenter. If Bill 13 lands the province in court with the Catholic school board, so be it. I urge you to be brave and to stand up for LGBT youth who both need and deserve protection under the law. I sincerely hope that when my daughter starts high school, this struggle will be long behind us. Thank you.

Ms. Dawn Moore: Members of the Standing Committee on Social Policy, my name is Dawn Moore and I am the vice-president of the Ten Oaks Project. The Ten Oaks Project runs summer camp programming for LGBTQ youth and for children of LGBTQ families. We service the GTA as well as the national capital region.

The debate over gay-straight alliances and anti-bullying is not theoretical. It is about addressing very real needs of very real children and youth. We work with children and youth in the LGBTQ community throughout the year. We see first-hand how regularly they encounter homophobia and transphobia out in the community, and especially at school.

Some of the youth we work with have experienced homophobic discrimination because they are lesbian, gay or bi. Some are victims of transphobia because they sit somewhere on the gender spectrum between male and female. Some have two mums or two dads or, as one of our campers put it, "one mum for now, but we're looking for another one" and open to suggestions. These children, who we call coming from rainbow families, are often taunted with homophobic slurs at school because of their family structures. These encounters are different from the kind of bullying those opposed to this legislation believe is already dealt with in Ontario's schools. This bullying and discrimination is fuelled by a historical and enduring homophobia and transphobia. In Ottawa, we know all too well the extreme end of what this kind of bullying can do to a child's sense of self-esteem and self-worth.

At the Ten Oaks Project, we see the less extreme but far more common homophobic and transphobic bullying. We see how it impacts both children and youth who identify as LGBTQ as well as those, like my own sons, who are children of the LGBTQ community.

Every year at camp, we have an activity called "across the grass." The campers stand at one end of a field and a counsellor asks them to step forward every time they identify with an experience or statement that is read out. At first, the kids step forward revealing fairly basic things about themselves: Step forward if you are a camper. Step forward if you are afraid of bugs. Step forward if you are part of a family.

As the activity moves on, though, the questions get a bit tougher: Step forward if you are afraid to be "out" about yourself or your family. Step forward if you've ever lied to somebody about your family because you're afraid of what they'll do to you if they find out who your family really is. Step forward if you've been called a homophobic name.

Once everyone has moved across the grass, the campers begin a conversation with their counsellors about homophobia, about why it exists and, importantly

for our youth, about what they can do in their own lives to take care of themselves and to work globally to stop homophobia.

The children and youth come out with lots of great suggestions, but the one that we hear time and time again is that they, and we as the adults who help to guide them, need to create safe spaces where these children and youth can feel loved, welcomed, cared for and protected.

The lucky few children and youth we get to serve for a week of every summer get this feeling of safety and acceptance when they come to camp. Many more, I'm happy to say, are able to continue on creating safe space if they are fortunate enough to live in a bigger city or go to a school that has an active GSA and has already worked to create a more welcoming environment for LGBTQ community members. But I know that there are still thousands of kids who cross the grass to school every day with those same feelings of fear, shame and confusion, and there is sadly no safe space waiting for them on the other side. Indeed, this committee has been told exactly this by youth who have spoken out about their own need for GSAs in their schools.

1540

I'm not the first and I will not be the last to speak to this committee in order to advocate for the proposed legislation. While I believe these acts could go further to consistently name homophobia and transphobia, and to spell out as clearly as possible students' rights to form GSAs in their schools, I believe that the sentiments expressed in Bills 13 and 14 move us several steps forward in creating safe spaces that are universally accessible to children and youth in the LGBTQ community.

Alongside my role as the vice-president of Ten Oaks, I'm also an academic and a mother of two. That makes me need to be sensible and realistic by nature. My sensibilities remind me that this legislation isn't going to make it better overnight for children and youth in LGBTQ communities. Bullying will still happen, but at least these children and youth know that their mentors, their teachers, their school officials and yes, you, their government, are all doing what they can to make it better.

Many youth from the LGBTQ community have already addressed this committee, and you've heard from them, in their own words, the importance of what the Ontario Legislature is about to do. I am an adult who cares about these youth, as well as the children in our community. These kids need your protection today so that they can go across the grass tomorrow with a bit more hope. I ask that you move to pass these bills and show our children and youth that they matter, that they are valued and cherished for who they are and that the adults charged with their care and education will help them or, at the very least, not stand in their way as they work to make it better right now for themselves and their peers. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. There's about two minutes left. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you, Mr. Chair. Thank you, Dawn and Ariel. You should know that the New

Democratic Party are firmly on your side and that we will be putting forward amendments to strengthen this in terms of transphobia etc. But also, more personally, I just wanted to acknowledge your bravery. My husband's two children have two mothers and they live here in Ottawa; one should probably be arriving any moment. I performed their wedding. What we've heard here, much of the testimony, is not indicative of most people of faith and not indicative of most people, period, in this province. So thank you for bringing forth what has seemed to be in these hearings a silent majority. It's not so silent anymore, thanks to you. That's all I have to say. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Thank you very much for your presentation.

Ms. Lisa MacLeod: Chair, if I may also say, that baby has been so good through the 15 minutes.

Ms. Dawn Moore: Another reason to vote in favour of the legislation.

Ms. Lisa MacLeod: Honestly, my daughter was that age when I got into politics, and if she saw a microphone—and she still does it—she grabs it and goes—

Mrs. Jane McKenna: It's genetic.

Ms. Lisa MacLeod: Maybe it's just genetic.

The Chair (Mr. Ernie Hardeman): That is well said. Very well behaved. Thank you very much for your presentation.

Ms. Dawn Moore: Thank you.

MR. STU SCHWARTZ

The Chair (Mr. Ernie Hardeman): For the committee's information, we had a cancellation for the 3:45 appointment and we have our 5 o'clock appointment here, who is prepared to make a presentation now to fill in from 3:45 to 4 o'clock. With that, if we could ask Stu Schwartz to come forward to make his presentation.

Ms. Lisa MacLeod: Chair, just if I may, for those of my colleagues that aren't from the city of Ottawa, this is Stuntman Stu. He's best known for his morning show on Majic 100, but he's also very famous because he's the Sens PA announcer, and of course for all those Toronto Maple Leafs fans, he actually got to announce some games after the season ended. We actually made it into the playoffs here in the city of Ottawa, the Senators.

The Chair (Mr. Ernie Hardeman): Thank you very much. With that, I won't take that off your 15 minutes, but any further and it all comes off your time, sir. You know, being a radio announcer, it's very critical that you stay right on time.

Mr. Stu Schwartz: I'm aware.

The Chair (Mr. Ernie Hardeman): So thank you very much for being here. You will have 15 minutes to make your presentation, to use any or all of it for the presentation. Any time left over after you have finished, we'll have questions from the committee. The government side will be asking the questions in this one. So with that, we would ask you to give your name into the

microphone as you start your presentation, and the next 15 minutes are yours.

Mr. Stu Schwartz: Good afternoon, everyone. My name is Stu Schwartz, and I host the morning show at Majic 100 here in Ottawa with Angie Poirier and Trisha Owens. Last fall, there was a local bullying story that we talked about on our show, and it brought back memories of my own childhood, when I was bullied. We broke format that morning and took non-stop calls from frustrated parents, and a few hours after the show, we were still getting emails.

I tweeted that day that if I had to go to every school in Ottawa and preach an anti-bullying message, I would, and then added the hash tag #NoMoreBullies. A few hours and a few thousand re-tweets later, the No More Bullies tour was born.

We never anticipated how big No More Bullies would get, and were shocked at the hundreds of frustrated emails from parents who had had enough of bullying in their own kids' schools. Our plan was not to enter the schools and tell the kids they've been learning it the wrong way, but to complement the message the students were already getting, and we teamed up with some people in the community to help us spread that message—more on them in a moment.

My own story of bullying started innocently enough in the 8th grade, where some other students were playing rough in gym class and I took the abuse. It continued afterwards in the locker room and went on to last almost two years. It became a regular occurrence where I had to avoid certain hallways or risk having my books pushed out from behind me or shoved in a locker, all this because during that period, I really didn't fit into any groups.

I was embarrassed and never told my parents, and the few friends I did have most likely knew but didn't say anything. It was a difficult stretch for me, and I kept it inside. I was never at a point of taking my own life, but there were plenty of times when I hated going to school because I knew, after a weekend of trying to forget about it, that I was going to have to deal with it again on Monday morning.

I remember breaking my leg playing hockey and thinking, "Well, at least I don't have to deal the bullies. I'll get driven to school."

After almost two years of dealing with the constant teasing, name-calling and occasional shoving match, I marched into the principal's office, walked right past his assistant—which you never did—and demanded he do something. He called one of the bullies into his office and asked him right in front of me, why was he putting me through this? The bully's response was, "I don't know." My thought was, "Are you kidding me? I've been dealing with this for almost two years, and the best you can come up with is 'I don't know'?" The principal told him that it was ending that day and to leave me alone. Much to my amazement, it did. My only regret in life is letting it go that long.

That's part of the message to students: No matter how bad you think it is, someone is there to help you. But as

we keep hearing, the zero-tolerance policy is not being followed in every school. I'm not sure if it's a lack of resources, but the problem is getting worse. Kids need to understand that their words can kill.

As a father of two, I can deal with the rude emails on occasion, the fake Twitter accounts and assaults we sometimes get on social media, being in the media. I can't imagine what it must be like for an 11-year-old who has something written about them on Facebook which they know isn't true, but their friends would think otherwise.

We've visited many schools with our No More Bullies tour. With the permission of one frustrated mother whose child is dealing with a current bullying issue, here's a part of her email to me last week:

"My concern for other families who are victimized by bullying and violence stems around the ability and knowledge to fight on behalf of their child who is the victim. In our society we are taught to respect the police and schools, and to not be selfish. Therefore, many parents follow the advice presented to them (unhappily) without forcing that their child be treated appropriately. I would like all families to be supported by our government. This may be done by our government imposing more focus on the victim."

She has asked to remain anonymous, but there are sadly many more emails like hers that have made their way into our radio station's No More Bullies email account.

At this point, I'd like to introduce some of the members of the #NoMoreBullies team. They're not here with me today, so I'll read all of their parts.

First up is a piece written by Angie Poirier from the Majic Morning show. She writes:

"No child should ever be afraid to go to school, but for many ... children, this is their reality. Since we began the No More Bullies campaign at Majic 100, we have had the opportunity to connect with hundreds of parents on this topic as well.

"They have sent emails, social media messages and have called us in tears, asking for help. Some are at a loss, feeling helpless and don't feel their cries for help for their bullied children are being heard. Parents have told us there is no consistency from school to school, teacher to teacher and principal to principal on how to properly and effectively deal with bullying. More needs to be done to educate, remedy and ultimately, save lives.

"There is no denying that the mental torment of bullying is affecting children now more than ever, to the point that some are harming themselves as a means of dealing with the pain.

"As a parent," Angie writes, "I know more needs to be done. We all know more needs to be done. Turning a blind eye is no longer an option. There are cries for help from the younger generation, and we all need to listen and do our part."

The next part I'll read is from Trisha Owens, also from the Majic Morning show, who is on our No More Bullies tour. She writes:

"I've been a broadcast journalist for more than a decade, and in all my years of reporting, I have to say that this past year seems to have been one of the worst when it comes to stories of young people being bullied and the drastic measures many of them are taking to escape it all."

1550

"We hear from the experts that bullying can't be solely blamed for a young person taking their own life, that there were likely other factors involved, but to think that it played a role in a child or young person making that heart-wrenching decision to end their life before it even had a chance to really begin is so incredibly tragic.

"Schools have their own anti-bullying programs in place, but clearly ... more needs to be done to put an end to this vicious cycle. As one city councillor said to me, bullying is about the mental and physical abuse of another human being. He went on to say that unless something is done to stop it, we will continue to bury more kids.

"The No More Bullies tour aims to draw awareness not only to these severe cases but about the effects of bullying in general. It is our mission to keep the conversation going and encourage young people to take a stand against bullying. We want to help them find the courage to speak out, whether they are being bullied or know someone who has.

"This is an issue that is very near and dear to me," writes Trisha, "not only because I have reported on it over the years but also because I lived with it, and I know the damage it can do. Being picked on and called names when you're growing up and struggling to find out who you are and where you belong has such damaging effects. Those hurtful words follow you for years and years. Elementary and high school are difficult enough for young people without the added stress of being bullied or feeling that they aren't good enough. Imagine waking up in the morning and being afraid to face the day because you have no idea what is waiting for you when you walk through those doors at school. The classroom should be a place where kids feel safe, not threatened."

She concludes with, "Bullying is certainly nothing new, but it definitely has gotten much, much worse over the years, and I wonder how many more lives need to be ruined before something is done to put an end to it once and for all. I don't profess to have the answers, but I do know that parents, teachers and community leaders can only do so much to help fix the situation, and perhaps now is the time for more affirmative action to be taken by the people we have elected to keep our cities and towns safe."

Now I'll continue with a piece from Faron Gogo. She's with Youth Net and also joins us for each of our school presentations for No More Bullies. She writes:

"Youth Net/Réseau Ado [YN/RA] Ottawa is a for youth, by youth, mental health promotion program run out of the Children's Hospital of Eastern Ontario. The goal of Youth Net is to promote positive mental health and the destigmatization of mental illness and its treat-

ment. Our programs and initiatives aim to provide alternative support programs for young people, while allowing access to a clinical social worker at all times if additional support is necessary.

“Youth Net joined the No More Bullies team in October 2011. Youth Net’s part in the tour is to speak about the effects of bullying on youth mental health (such as increase of risk of anxiety, depression and self-harm, along with the decrease in self-esteem/self-worth), the stigma and barriers to receiving help, and where young people can access resources and programming if needed. Youth Net also provides each school with an information table” at our No More Bullies presentations “where young people can connect with a trained Youth Net staff member and with clinical support. Youth Net also makes connections within the schools to provide additional resource lists and information on youth mental health as well as additional mental health presentations or focus groups if requested.

“Being a youth-focused organization,” Faron writes, “bullying is a major theme that impacts the young people that access our programs. When approached with the opportunity to engage youth through a dynamic presentation and allow for connections to resources they may not have been aware of, Youth Net made it a point to ensure our ongoing support of the No More Bullies tour. Youth Net also supports the passing of Bill 14 to ensure such necessary in-school programs as bullying prevention, remedial support for victims and perpetrators of bullying as well as ongoing professional development programs for teaching staff. Bullying is not only an issue of young people, but a systemic issue needing support at all levels.”

Finally, I’ll read a piece from Erin deJong, who closes out our presentation. Erin is from the Red Cross and also joins us for our No More Bullies tour, which is made up of all these people, including one more which I’ll tell you about at the end.

Erin writes: “I write this letter with regards to the proposed Bill 14. I am writing from three perspectives, all of which have come to be very intertwined. I write from the perspective of a participant in the Ottawa area’s No More Bullies tour, from the perspective of a trainer for the Canadian Red Cross’s RespectED (anti-bullying) program, and from my own personal experience.

“In terms of Bullying Awareness and Prevention Week, I believe that this is an important step in the right direction. What never fails to surprise me in my role as a bullying-prevention trainer is how often students tell me that basic information on bullying is new information for them. I distinctly remember one student telling me that they sincerely did not know how much harm they could cause by calling another student a ‘slut.’ On several occasions, students have reacted in shock whenever I informed them that bullying behaviours are often criminal behaviours if the perpetrator is over the age of 12. These facts that may be well known to some are completely unknown to others, and disruptive, hurtful behaviours are sometimes the result of a lack of educa-

tion. Having a Bullying Awareness and Prevention Week is an important first step to ensuring that students are educated and aware of issues surrounding incidents of bullying.”

She continues, “I have a similar opinion with regards to the proposed remedial programs for victims, and perpetrators of bullying, professional development programs for teachers and information for the public. I once again refer to the importance of education. Remedial programs for victims and perpetrators of bullying and aggression offer an outstanding opportunity for those involved to learn and grow from the incident. Perpetrators are forced to see and talk about the effects that their negative behaviours have had on others, hopefully opening their eyes to consequence of a scope greater than themselves. Victims also can learn from such an experience. Most importantly, they will see first-hand that the situation is being taken seriously and that, opposed to negative messages they may be receiving in other areas of their lives, they are important and people do care about their well-being.

“Also proposed are professional development programs for teachers.” Erin writes that she firmly believes that “such programs are essential components in the process of creating safe learning environments for students.” Often she works with teachers in an anti-bullying context, and they express concerns of a large variety: “I regularly hear that teachers are unaware of the specifics of their school’s policy on bullying, which alone is concerning. Another common comment I hear is that teachers feel frustrated with the current process for dealing with bullying, because often no action is taken when they report what they see—either because of a lack of effort or because of a lack of ability. Educating teachers on what the schools’ policies are, and what the process for dealing with bullying is, is vital in terms of addressing the issue of bullying behaviours occurring in a school context. If the teachers do not know and are not confident in the policies and procedures, the capacity of these powerful, front-line bystanders to take action against bullying is undermined.”

Lastly, she “would like to speak to the proposal that all persons who work in a school be required to report any acts of bullying they observe to the principal, and the principal’s obligation to investigate and take action. The issue of reporting bullying behaviours is one that is of particular importance. Teachers and students alike have repeatedly expressed to me that reporting bullying or aggressive behaviours is not something that they are comfortable with, nor is it a process they fully understand. When a person observes bullying or aggressive behaviours and does not report it and/or take action against it, they are—through their silence—tolerating the behaviour. The lack of reporting that is occurring in our school system is perpetuating an environment in which bullying behaviours are ignored and therefore permitted, creating an unsafe learning environment for many of our students. Education on reporting is certainly needed, but reporting also needs to be mandatory for any person

involved in a school setting. Of course, mandatory investigation and action following reporting is a crucial component of this process as well.”

She “would like to conclude that I offer complete support for Bill 14. It has many strong components that, if implemented, can and will make our schools a healthier and safer place.”

Now back to me. When I was in high school, they preached the drinking-and-driving message to us at every opportunity they could get. It was in school assemblies, class presentations, field trips to the police station, posters around school, ads on the radio, TV and newspaper, and even though 20 years later there are still stories of drinking and driving, most get the message and don’t even think twice.

This is where we need to take bullying. We need to educate kids to get them to a place where they don’t even want to type something hateful online. We have a responsibility as parents, educators and lawmakers to make the future safer for our kids.

On behalf of the Majic 100 #NoMoreBullies tour, I thank you for the opportunity to speak to you today. Our tour also includes Scott Haggard, a communications undergrad at the University of Ottawa and an active member of both our campaign as well as You Can Play. We certainly appreciate it.

Please do what’s right for our kids so that we can keep them safe. Any child who is afraid to go to school because of bullying by their peers is one child too many. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. Now it’s time for the news because it’s right on—the time is up. So thank you very much for your presentation. We’re really pleased to have you here.

1600

Mr. Yasir Naqvi: Chair, may I quickly thank Stu for the presentation today and for his community involvement in a lot of issues. Also, using his radio show and his personality as a radio personality in Ottawa toward the No More Bullies school tour has been extremely helpful and has raised the profile of this very important issue that we all need to deal with. Thank you, Stu, for your hard work.

The Chair (Mr. Ernie Hardeman): Thank you very much again, and thank you again for making the presentation.

MS. ELVIRA VARRIALE

The Chair (Mr. Ernie Hardeman): We’re right on time here for Elvira Varriale. Thank you very much for being here. As you find your seat behind the microphone, as with other presentations you will have 15 minutes to make your presentation. If you just give it to the clerk, he will distribute it to the committee. You can use all of the time for your presentation. If there is time left at the end, there will be questions from the committee. I believe it is the government side that starts this time.

I would also ask, as you start your presentation, that you give us your name on the microphone so that Hansard can spell it properly. They have no trouble pronouncing it, but they need to know how to spell it.

Thank you very much for being here. With that, the floor is yours for the next 15 minutes.

Ms. Elvira Varriale: Thank you. My name is Elvira Varriale. Honourable Chair and members of the committee, I’m here as a Catholic teacher.

I have been at the other committees until I learned that my uncle passed away. Then everything stopped at that point. But I did manage to drive down, not having even enough time to have a conference call.

I want to say that it’s not as polished as I would like it to be. I’m not going to give you a speech, but I have some points for serious consideration. What I’d like to do is perhaps talk about those points, and then afterwards, give my own witness. I’d like to leave some time for questions. Hopefully, there will be time for questions.

Those of us who oppose Bill 13 and favour Bill 14 have evidence that Bill 13 hurts teachers, who involuntarily hurt students and their parents.

The reason for this rationale? There is already proof of principled teachers who are silently being bullied by their employers and colleagues in a culture of silence and fear of retaliation. Why? Simply because these teachers practise their faith openly in Catholic schools that no longer tolerate such teachers—or students, for that matter.

The reason why the Catholic school board system does not tolerate such principled teachers of faith is precisely because Bill 13 has already been in discussion for some time through the memorandum of the equity and inclusive strategy policy.

There is evidence that the school boards have already been prepared by the government to usher this Bill 13 into the system. We know this to be true because of what has been done to these principled teachers who live and work in fear of reprisal, who unwillingly compromise their faith in order to keep their jobs and put food on the table, who are persecuted for standing up for their faith in an already compromised system, or who are ostracized for trying to hang on to their faith or are literally pushed into early retirement.

If MPPs would like to have a meeting with such teachers and give them a listening ear because of concern, I could do my best to arrange such a meeting. I know these teachers, and I’m one of them. The system, as it is at the present time, has only failed us all.

This harassment of principled teachers is all to re-engineer a new attitude in our society, beginning in our school systems, not solely pertaining to people with same-sex orientation, but also to create a new attitude pertaining to morals and values.

Therefore, the equity and inclusive strategy memorandum that has led to this Bill 13 has not only hurt principled teachers who value a moralistic society based on the common good of all individuals, it has also

deprived students of all that is true, good and beautiful. Everyone is deserving of love, not just the few.

The document presented by the Catholic trustee association entitled *Respecting Difference* presents the solution, with the strategies we need to put into place to maintain the dignity of all individuals, based on the principle of love which is so lacking in our world today.

As a result of this memorandum, which Mr. McGuinty wants to seal with Bill 13, we have evidence that these teachers are not only hurting, but are actually being bullied out of their classrooms, out of their departments and, literally, out of their jobs. A law such as Bill 13 could seal the injustices that are presently occurring in our Catholic school board system, producing a godless society that allows all to act impurely and on one's whim, ignoring the rules of love. God is love.

We already heard from so many parents who have expressed their deep fear of being bullied by this government's proposed bill. When both principled parents and teachers no longer have a say in this society, who are lost in endless processes that go nowhere, the moral fibre of our society will suffer. Ultimately, it will be the majority of our children and students who will get hurt in such a system and who will also, in turn, get bullied for the same reasons.

There is much evidence that the climate for Bill 13 has already been created and reflected in the curriculum of many school boards, and the attitudes have already been shaped so that the thoughts of a few are imposed on others. This is discrimination. It is unjust and unlawful according to our Charter of Rights, and freedom of conscience and speech.

If teachers are bullied and hurt by Bill 13, how could teachers possibly help your children and grandchildren? If Bill 13 is passed instead of Bill 14, it will only serve the agenda of a minimal few and hurt and bully the vast majority of teachers, parents and children who are working towards the common good of all in a just society. Hence, we will have a society with an increased number of bullies who will promote anything but love. Where would that lead us as a society? May God help us all.

I have not prepared what I'm going to witness, but I'm here to witness as a Catholic teacher. And perhaps I do it for a number of reasons. I've been listening and I don't hear too many, if any at all, teachers speaking out about being bullied, and that's precisely because of my explanation. It's a silent, quiet culture, and I think that silence needs to be broken. Perhaps, if anything, by coming out it might help others to also tell their stories.

1610

Of course, in a few minutes, I can't tell you my story, but it really is with a lot of great disappointment that I have heard OECTA representing us so unjustly, talking as if they represent the mass, all of us teachers, and in fact it's really just a very small minority. That attitude is not the attitude of all the teachers, and we may not hear it because of the silent culture. People are trying to protect their jobs. OECTA is going ahead doing what they feel is right, and they're also going against the Ontario Catholic

trustees and bishops with their *Respecting Difference*. They do not accept that.

So, why do we call ourselves Catholic? I need to express to you that, as a result of trying to carry out the teachings of Christ, the teachings of the church, I have experienced bullying, and in such a dramatic way that I'm lost in a process that's lasted for two years, almost. I am not given a just trial. I'm not allowed my own witnesses. I have to deal with lies, contradictions, fabrications and just downright disrespect for the dignity of the person I know God created me.

This is not right, and Bill 13 would clinch it. It would leave us all in greater jeopardy. We have nothing against a certain group—I know I don't—but I think it's important to look at all groups, and if teachers are going to get bullied, your children and your grandchildren will be affected too, unless we all lose our jobs, and maybe that's where we're headed.

Are there any questions? Perhaps by knowing what kinds of questions you would like to ask me, I can proceed for the remaining time.

The Chair (Mr. Ernie Hardeman): If you would like questions, the government gets to ask questions at this time. We only have about two minutes to ask questions.

Mr. Bob Delaney: Thank you for coming out, Elvira. Can I ask you a couple of clarification questions? They're just simple yes or no questions. In looking through your deputation, do you think students should be allowed to establish a respecting difference group in a school that specifically addresses the needs of students who identify themselves as lesbian, gay, bisexual, transgendered or queer?

Ms. Elvira Varriale: I've done a lot of work in this area. In terms of stigmatization and putting themselves in a group like that, I think that they would be jeopardizing their own dignity, because of the world we're in. I think that would be an unsafe way of going about doing it, whereas if you have a group of all students who are bullied in one way or another, that is addressing the common concern and it's safe for the students so they do not get retaliation of any kind.

Mr. Bob Delaney: Okay. Earlier you identified a document by the Ontario Catholic School Trustees' Association, which is entitled *Respecting Difference*, and they've issued a clarification on it. Chair, just to conclude this deputation, in the document it says, and I'll read it specifically—as their question and answer guide:

"Can students establish a *Respecting Difference* group that specifically addresses the needs of students who identify themselves as lesbian/gay/bisexual/transgendered/queer?"

"Answer: Yes. *Respecting Difference* groups can address a variety of issues or can be issue-specific and address only one type of issue e.g., the well-being and safety of students who identify themselves as L/G/B/T/Q."

"Will students be able to speak about their" LGBTQ "identity in these groups?"

"Answer: Yes."

Would the clarification of the Ontario Catholic School Trustees' Association affect the reference you made to the document they originally issued?

Ms. Elvira Varriale: Have you read Respecting Difference?

Mr. Bob Delaney: I've got it right here.

Ms. Elvira Varriale: Have you read it?

Mr. Bob Delaney: Yes. Would their clarification change the remarks that you made?

Ms. Elvira Varriale: From what I have read in terms of Respecting Difference, it's my understanding that they are not to make a specific group. So I don't know why the director of the Toronto Catholic District School Board said that.

The Chair (Mr. Ernie Hardeman): That concludes all the time we have. We thank you for making your presentation today. It's much appreciated, your being here.

MR. ALAN JANE

The Chair (Mr. Ernie Hardeman): Our next presentation is Alan Jane. Thank you very much for being here, sir. We much appreciate your attendance. Yes, you can hand that to the clerk and he will make sure that the committee all gets a copy.

As with the delegations that we've been hearing, you will have 15 minutes to make your presentation. You can use any or all of that time for your presentation. If, at the end of your presentation, there is sufficient time left, we will have questions from the committee. This time the questions will be from the official opposition. With that, if you will start your presentation by giving your name for Hansard, we'd very much appreciate that. With that, the floor is yours for the next 15 minutes.

Mr. Alan Jane: Thank you. Good afternoon, committee members. My name is Alan Jane. I am a Catholic who is very concerned about Bill 13. I'm a lawyer. I'm married. I have two daughters, ages 12 and 14. I thank you for giving me the opportunity to voice my views about Bill 13.

Everyone is against bullying in our schools. However, in my view, section 9 of the bill needs to be amended. It is contrary to Catholic teaching and should not be imposed on Catholic schools, in particular the promotion of same-sex attraction and gender identity clubs.

Before I talk about the wording of my proposed amendments, I want to tell you what they seek to accomplish.

First, Catholic schools must have the right to rule clubs out of bounds if they conflict with Catholic religious views.

Second, gender identity is an inappropriate issue for open-forum discussion controlled by students. Some students are very impressionable and young. This topic is best dealt with privately and confidentially with proper counselling and chaplaincy staff.

Third, the activities and organizations of all groups or clubs formed within Catholic schools must be respectful

of and consistent with Catholic teaching, as otherwise the bill is bullying Catholic schools into violating their own doctrines.

Fourth, Catholic schools cannot support any clubs that seek to undermine Catholic teaching on the institution of marriage.

With these Catholic perspectives in mind, here are my proposed amendments, and I've handed them out. I must tell you, I haven't had a chance to review Bill 14. I don't know if my amendments mirror those of Bill 14 or not. In any event, my preferred amendment is a new section 303.1, which would read:

"Every board shall support pupils who want to establish and lead activities or organizations that promote anti-bullying and such activities and organizations shall be guided by and under the control of the school administration."

This amendment does two things. First, it takes the focus off of single-issue clubs. To enumerate the four specific types of bullying that Bill 13 does actually undermines the importance of all the other forms of bullying, such as bullying because of:

—people's names: Take me. I was bullied in school because my last name is Jane;

—people's appearances: people are obese, too skinny, too short, too tall, irregular visual features;

1620

—people's mannerisms;

—people's backgrounds or socio-economic class: too poor or too rich; or where they live: their neighbourhood;

—bright students, conscientious students, those who always do their homework;

—those who do well academically bullying those who do not do well academically, etc.

It could go on and on.

Anti-bullying clubs must be open to all students and apply to all types and forms of bullying. The student clubs must cover any and all differences between kids that lead to bullying.

Secondly, the amendment that I'm proposing allows schools to have control over what kind of clubs and organizations can be formed and under what conditions. This is crucial for Catholic schools. Student clubs in Catholic schools must be respectful of and consistent with Catholic teaching. They must have mentors who know and are committed to Catholic teaching and only use outside speakers who are respectful of Catholic teaching. To summarize, school administration must have an oversight role in what goes on at the school, and my proposed amendment does that.

My preference is for this proposed section 303.1 to apply to all schools: public, Catholic, other faith-based. But if that cannot be supported, then it should apply to Catholic and other faith-based schools.

However, if my amendment to section 303.1 is not acceptable to the committee, then I have an alternate amendment that is on the page that you have before you, and that is to create two subsections, 303.1(1) and 303.1(2). Subsection 303.1(1) is the same as my pre-

ferred amendment for section 303.1. However, my proposed subsection (2) lists as examples of bullying the four enumerated types of bullying that now exist in the present form of section 303.1 of the bill. Since these are only examples, it does not undermine the importance of other forms of bullying. That would read:

“303.1(1) Every board shall support pupils who want to establish and lead activities or organizations that promote anti-bullying and such activities and organizations shall be guided by and under the control of the school administration.

“303.1(2) Without restricting the generality of the foregoing, activities for the purpose of subsection 303.1(1) may include

“(a) activities that promote gender equity

“(b) activities that promote anti-racism

“(c) activities that promote the awareness and understanding of, and respect for, people with disabilities

“(d) activities that promote the awareness and understanding of, and respect for, people of all sexual and gender identities.”

That concludes my presentation. I hope the committee will study and report on my proposed amendments.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We do have a bit of time left, so we'll start with the official opposition. Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Mr. Jane. We appreciated your appearance today. You say you practise law—here in the city of Ottawa?

Mr. Alan Jane: Yes, I do.

Ms. Lisa MacLeod: Which firm?

Mr. Alan Jane: I'm employed by the federal public service.

Ms. Lisa MacLeod: Okay. And you've spent a great deal of time, obviously, looking through Bill 13 and you've made some amendments which are consistent with some of the ones that we'll be putting forward in the official opposition.

I have a quick question for you: Do you foresee litigation following the passage of Bill 13?

Mr. Alan Jane: As it exists now?

Ms. Lisa MacLeod: Yes.

Mr. Alan Jane: Well, I don't have any crystal ball. I'm sure there will be. My guess is there would be, but I can't elaborate. I don't know what could happen. I don't like Bill 13, and I think not only would we have litigation that would cause disaster in the schools, it would cause endless problems.

Ms. Lisa MacLeod: I just want to say thanks very much for coming here today and looking at your amendments. It's good of you to be here. We've had a great deal of people appear before this committee—I think we're close to 85 now who have appeared over a five-day period, four of which were in Toronto. Today, you're our second-last deputant and then we're going into clause-by-clause. Your views are important, as are all deputants' views, and must be considered by this committee.

I wondered if you had any final advice for the committee.

Mr. Alan Jane: No, it's all in what I said. If you want me to send you a copy of my presentation, I could do that.

Ms. Lisa MacLeod: I'm sure that the clerks' office would appreciate it, but we also do have Hansard, so it'll be—

Mr. Alan Jane: Okay.

Ms. Lisa MacLeod: So, thanks very much.

Mr. Alan Jane: You're welcome. Thank you.

The Chair (Mr. Ernie Hardeman): We have about four minutes left.

Ms. Cheri DiNovo: I was going to first of all ask: Are you aware that the Ontario English Catholic Teachers' Association voted 90% in favour of essentially just Bill 13, including GSAs? These are the teachers that will be, I presume, teaching your children. I was wondering what your reaction was to that.

Mr. Alan Jane: I wasn't aware of that.

Ms. Cheri DiNovo: I also wanted to ask you—I'm a United Church minister, a Protestant minister. I was invited every year into my local Catholic school, on World Religion Day, to talk about the differences, including our differences around same-sex marriage at the time. I was aware that there were a number of Islamic students that were also part of the Catholic education pantheon. Clearly, both I and they do not subscribe to all of the Catholic moral teachings, yet we were part of the curriculum. I was wondering if you'd like to comment about that.

Mr. Alan Jane: Well, I think Catholic schools should follow Catholic doctrines. If they're not, they should be. Otherwise, I don't see a point in having Catholic schools, if they're not going to follow the official Catholic doctrines.

Ms. Cheri DiNovo: Even with their Islamic students?

Mr. Alan Jane: Well, they don't have to attend a Catholic school if they don't want to.

Ms. Cheri DiNovo: That's true.

Mr. Alan Jane: It's their choice.

Ms. Cheri DiNovo: And just finally, are you aware that there are gay-straight alliances already in Catholic schools, many of them? They may not be called that, but essentially they are that, under other names as well.

Mr. Alan Jane: No, I wasn't aware of that. That's why I think the school administration should have control over the clubs that are established in the school. What people do outside school property is something else, but within the Catholic school, the administration should have control over the clubs, organizations and activities that go on.

Ms. Cheri DiNovo: Thank you.

Mr. Alan Jane: You're welcome.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation.

MS. EDNA DU BROY

The Chair (Mr. Ernie Hardeman): Our last presentation is Edna Du Broy. Thank you very much for

being here. I guess that's a distinction you will have, as the last presentation of the public hearings on Bills 13 and 14. Thank you very much for being here. As with the previous delegations, you will have 15 minutes to make your presentation. You can use all or part of that for your presentation. If you have time left at the end of the presentation, we'll turn it to questions and it will be the government's side that gets to ask the questions. With that, we would ask you to put your name on the record as you start your presentation, and then the 15 minutes are yours.

Ms. Edna Du Broy: Thank you. Good afternoon, Mr. Chair, and members of the standing committee. My name is Edna Du Broy and I went to school in Windsor, Ontario.

Bullying is a serious problem and has never been dealt with properly, in my experience. Everyone deserves to be respected and not have their dignity violated. However, I feel that the reasons for which some children attract bullying should not be the focus of attention.

I was bullied during three periods in my childhood. In grade 2, I was frequently beaten by classmates on the way home from school. I had visible bruises. They also teased me for having freckles. That year I asked my parents to have me transferred to a school that had been recently built close to my home. Within the first year at the new school, my friend told everybody that I had impetigo, a skin disease. For some reason, she did not want me at her school. My classmates shunned me because of this malicious rumour.

The third time was in grade 9 gym in the changing rooms. Coming from European parents, where it was common for women to wear undershirts, I wore an undershirt. A girl in my class saw that and made fun of me to everyone in the changing room. I was devastated with embarrassment. I myself was a bully in grade 6. I always wanted to fight the same girl in the park because I knew I could win.

At no time did school staff or other adults intervene. Yet, these were teachable moments, when bullies, driven by fear, insecurity and their need for power and control, could have learned that their worth is not established by oppressing others. Looking back, the kids who bullied me should have been helped. Also, I would have needed help to heal from the violation. In addition, I would have needed help the year I bullied.

I see now that I tried to overcome my own weakness by exploiting the weakness of my victim. I do not think it would have been good for the victims, including myself, to have public attention drawn to them for the reasons of the bullying. I believe that would have just made me feel more different. Every child wants to be accepted and to fit in. The victim should not have to pay twice.

1630

When a six-year-old comes home using bad language, such as the F-word, that they heard on the street, parents simply teach them that these are not good words to use. It would not be appropriate to give a detailed explanation of what the word means at this age. As a parent, when I read

about how to teach my children about sex, I learned only to answer the questions they ask and no more, and that's because that's all they're asking and they don't have any interest to know more.

I am quite concerned about the perceived need to educate children about homosexuals and have them identified in a gay club at school. Before adolescence, children prefer to have friends of the same sex. This is normal, and they have an innocence and ignorance about sex. Is too much information too young not going to hurt their innocence, which is meant to protect them from becoming curious about sex before their time? Is a gay club not going to make gays stand out even more, and is it what they really need to feel healthy?

How about the child who gets called gay before adolescence, who would not normally have had same-sex attraction after puberty? Would the attention on homosexuality not make that child start to believe he or she may be gay? There is a natural sexual confusion at this age. Should our schools exacerbate that and promote sexual experimentation that could lead to misery? Should we also start a heterosexual club? This is not the solution.

I feel that we should not load young minds with too much information that they cannot process. Instead, parents and educators need to help young children respect themselves and others and to overcome the need to violate another child.

I also feel that a policy on bullying would have to specify that professional, gender-neutral help be available in schools where a child who is bullied can get the help they need. This should not be about discovering or promoting a sexual orientation; this should be about affirming self-worth.

There should also be guidance in place for teachers who bully a child. Teachers need to learn not to have favouritism. This does not help the other children feel good about themselves. They believe the lie that they have no value. All children know who the favourite kids are and why.

One of my children's grade 3 teachers loved all kids; she saw the good in every one of them. Such teachers are rare. One of my children was picked on by the school librarian. I asked her what my son was doing wrong. She laughed and said she was just having fun. Teaching can be a power trip that is easily abused.

Victims attract the attention of bullies for many reasons, but bullies are motivated by only a few reasons. It comes down to fear and insecurity. It wasn't about my freckles or my undershirt or a false rumour about a skin disease. It's not about obesity, religion, ethnicity or sexual orientation.

I find that Bill 13 places too much attention on sexual orientation, whereas being fat, skinny, wearing glasses, hairstyle and not wearing certain types of clothes are not mentioned. You will see from my appendix that a 2006 survey of 105,000 Toronto students showed that body image is the leading cause for being bullied, more than six times the prevalence of gender issues—surely only a fraction of even those gender issues would involve

homosexuality—yet body image is not mentioned in Bill 13. Either it should be given prevalence in the bill or all other reasons should be taken out, because it is currently missing the mark.

I understand that the regrettable suicide of 15-year-old Ottawa homosexual James Hubley in October of last year inspired Bill 13. This was truly a sad waste of a precious young life, following a period of depression. Is it a goal of Bill 13 to prevent suicides? It has been empirically found that 90% of suicidal teens perceive a lack of parental interest, and 20% to 50% involve alcohol or drug abuse. A factor is that adolescents do not have the same grasp of the finality of death as adults. In 2000, suicide accounted for 22% of all deaths among aboriginal youth aged 10 to 19 years in Canada—10% higher than the general population. Bill 13 does absolutely nothing to address these factors.

“Homophobia” has been a misused term since it was coined by George H. Weinberg in 1973. At its root, it means an irrational fear of homosexuality. Let’s be careful not to hang that label on good Canadians who believe everyone has intrinsic worth and merits dignity but who rationally believe that the homosexual act is not morally acceptable; in other words, people who respect all homosexual persons but who believe that celibate homosexuals are on a surer path of physical, emotional and spiritual health than practising homosexuals.

If you Google the word “homophobia,” you will find a broad range of definitions. Some refer to contempt toward people, but others apply the word to merely disagreeing with the morality of homosexual relations. No two people agree on what “homophobia” means. I strongly recommend that you drop the word from the bill, along with all references to sexual orientation, equity and GSAs. However, if you keep the word “homophobia” in the bill, I strongly advise you to define it explicitly, something like “an irrational contempt of one or more homosexual persons causing them harm.”

I believe we must make the distinction between the person, who should always be respected and treated with dignity, and sexual behaviour, which should always be a fair subject of civil discourse by moral authorities.

It is time for some intellectual honesty on the part of the Ontario government and the Ministry of Education. If this process is truly intended to address bullying, there is absolutely no need for the bill to refer to the sexual orientation of pupils. If, however, the goal is to promote homosexual behaviour in all its flavours, to encourage sexual experimentation among our children, and to hamstring religious schools and churches from teaching sexual purity, please have the courage to say so. Presenter after presenter has come before you with clear, level-headed assessments that Bill 13, as currently written, will have those effects within a few years. If this is what the government wants, please tell us, just as clearly. I don’t want a smile and a firm handshake and a kiss to our babies at election time. I want the straight goods now.

My heart breaks for the pain felt by homosexuals, and that pain is mostly an internal, spiritual and emotional

malaise. The Ontario GSA Coalition has asked you to add “biphobia” and “transphobia” to the wording of the bill. I can tell you right now that coming up with a name for every imagined prejudice and every increment along the sexual orientation spectrum will not ease that pain. No law can heal a soul.

Part 9 of Bill 13 says that “Every board shall support pupils who want to establish and lead activities or organizations that promote gender equality.” Again, let’s be honest. You know that Catholic and conservative religions teach that extramarital sexual behaviour, including homosexual behaviour, is a serious sin. This does not mean that homosexuals have any less value as persons. Indeed, having the courage to lovingly but firmly warn about immoral sexual behaviour shows how much the church cares about homosexuals. It would be much easier to say that anything goes.

Bill 13, as currently written, would prevent Catholic schools from giving its basic teachings on marriage and sexuality. Catechism teaches that outside of marriage, every Catholic is to abstain from sexual activity and that marriage is between one man and one woman. Homosexual activists would say that this position is homophobic and not equitable. You and I know that this language is in Bill 13, which would inevitably lead to conflict.

If you want this conflict, please tell the electorate. If you don’t, and you sincerely care about bullying, please remove all wording related to sexual orientation.

Another option would be to simply extend the workplace harassment provisions of the Ontario Occupational Health and Safety Act to cover pupils.

Again, the bully needs the attention rather than the victim. We need to have counselling available for the bully as well as consequences for their actions. Naturally, the victim should be affirmed in their self-worth to receive healing from the violation they received.

If someone continues to bully, the principal should force the bully to leave the school. In the past, my experience was that victims had to change schools for the problem to stop. Let’s correct this. Focus on zero tolerance on the bully and give most of the attention to them. Having gay clubs would single out the victim, which would make them stand out more. This is not what the victim needs. All children want to fit in. No one deserves to be bullied. However, I do not believe that teaching children too young about different choices of sexual activity is going to help protect them. It is too much information, too soon. This is not the solution to getting people to stop bullying homosexuals or calling kids by homosexual slurs.

Thank you, Mr. Chair and members of the standing committee, for allowing me the opportunity to share my observations. I would be happy to answer your questions.

The Chair (Mr. Ernie Hardeman): Thank you very much. We have about one minute left. Ms. MacCharles?

Ms. Tracy MacCharles: Thank you for your comments today. I’m just wondering if you could provide some clarification to a couple of your comments. At the end, you said you do not believe that teaching children

too young about different choices of sexuality is going to help protect them. Can you identify anywhere in Bill 13 that specifies that requirement?

Ms. Edna Du Broy: Well, weren't they going to add more knowledge on homosexuality, on oral sex and anal sex, to kids younger?

Ms. Tracy MacCharles: In this bill, no.

Ms. Edna Du Broy: Not in the bill, but the bill will lead to that.

Ms. Tracy MacCharles: Thank you. Also, are you aware of the suicide rates of teens who are gay, who are bullied in a school environment, or the rates at which students consider suicide who are gay and are school-aged?

Ms. Edna Du Broy: Yes, but let's also consider all the other people that commit suicide. Let's look at the aboriginals.

Ms. Tracy MacCharles: Are you aware they're four times higher than other groups?

Ms. Edna Du Broy: That's irrelevant. This is about bullying. This is not about sexual orientation; it's about bullying and protecting everybody that's bullied, and you're not, with this bill, protecting the other ones.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation and thank you, everyone.

Obviously, that's the last deputant for the bills, Bills 13 and 14. From here on, we will move forward.

I want to thank all the people who have presented to us over the five days of hearings we've had. I also want to thank all the committee members for all the efforts that they put into being here to hear all the things that people brought forward as we consider moving forward with the bill. I think it's appropriate to thank everyone involved. I want to thank the host here in Ottawa for a job well done today. It could almost make a day of committee hearings pleasant.

Ms. Lisa MacLeod: So you want me to cook lunch for everybody, every time. Is that what you want?

The Chair (Mr. Ernie Hardeman): I think we'll stop there. Thank you very much. I do want to point out for the committee that the deadline for filing amendments to Bill 13 is Thursday, May 24 at 5 p.m. So all the amendments for Bill 13 must be in at that time. With that, the committee will adjourn until Monday, May 28 for clause-by-clause consideration of the bill. Thank you again, all, for participating and putting forward your opinions and your efforts. We will move forward to the next step of the process in dealing with Bills 13 and 14. Thank you to the committee.

The committee adjourned at 1644.

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CONTENTS

Tuesday 22 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten; Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-163
Coalition for Parental Rights in Education	SP-163
Mr. Albertos Polizogopoulos	
Evangelical Fellowship of Canada.....	SP-166
Mr. Don Hutchinson	
M. Emmanuel Houle	SP-168
Mr. Dustin Garron.....	SP-171
Mr. Allan Hubley	SP-172
Mr. Timothy Lau; Dr. Jonathan Ponesse.....	SP-175
Jer's Vision	SP-177
Ms. Loresa Novy	
Ms. Faye Estrella	
Youth Services Bureau of Ottawa.....	SP-179
Ms. Joanne Lowe	
Mr. Rene Leiva; Mme Véronique Ouellette Fohr	SP-181
M. Guy Dacquay	SP-184
M. Bernard Couture	SP-186
M. Joel Du Broy	SP-188
Ontario Provincial Council of the Catholic Women's League of Canada	SP-190
Ms. Colleen Randall	
Association des enseignantes et des enseignants franco-ontariens	SP-192
M. Benoit Mercier	
Mme Claudine Laporte	
Ontario English Catholic Teachers' Association	SP-195
Ms. Elaine McMahon	
Kids Help Phone	SP-197
Ms. Alisa Simon	
Ms. Kathleen Murphy	SP-199
Ms. Emily Wehbi	SP-202
Ontario Student Trustees' Association.....	SP-204
Mr. Kareem Ibrahim	
Ms. Johanne Brownrigg	SP-206
Ms. Ariel Troster; Ms. Dawn Moore.....	SP-208
Mr. Stu Schwartz.....	SP-211
Ms. Elvira Varriale.....	SP-214
Mr. Alan Jane	SP-216
Ms. Edna Du Broy	SP-217

20N
C14
S78



SP-10

SP-10

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Official Report of Debates (Hansard)

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Journal des débats (Hansard)

Lundi 28 mai 2012

Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 28 May 2012

Lundi 28 mai 2012

The committee met at 1401 in committee room 1.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): We'll call the May 28 meeting of the social policy committee—I got it right this time—to order.

I have a statement here. This is a new experience, not only for this committee but for any committee. In my time at Queen's Park, I've never had the opportunity to be involved where two bills were before a committee at the same time.

The order from the House is quite explicit on how we are to deal with it, so I'll just go through it, for the committee, so we'll all know where we're coming from. We can have a little discussion before we start.

Pursuant to the order of the House dated May 3, 2012, the Standing Committee on Social Policy is authorized to meet in Toronto on Monday, May 28, and Tuesday, May 29, 2012, for clause-by-clause consideration of Bill 13.

On Monday, May 28, 2012, the committee may only meet until its normal adjournment time at 6 p.m. but on Tuesday, May 29, 2012, the meeting may last beyond the normal hour of adjournment.

The order of the House further stipulates that the committee shall dedicate Monday, May 28, 2012, to consider-

ing which elements of Bill 14 should be incorporated in Bill 13.

The remaining time on May 28 and all of May 29 shall be dedicated only to dealing with amendments to Bill 13.

Following the May 24, 2012, deadline for filing amendments to Bill 13, the clerk has sent a package of numbered motions to committee members for review. Please note that a copy of this package is also before you today for your consideration.

To facilitate our deliberations, legislative counsel has drafted the motion with a "day 1" or "day 2" notation in the top right-hand corner of each amendment, which will serve as a guide to our debates. Day 1 motions would be the motions incorporating elements of Bill 14 into Bill 13, whereas day 2 motions are amendments to Bill 13.

When we start with the clause-by-clause debate, I will call each section of the bill, starting with section 1. At this point, members may move the amendment pertaining to the incorporation of an element of Bill 14 into Bill 13 in the section before the committee. The committee will then vote on the amendment only. This process of incorporating elements of Bill 14 into Bill 13 will be repeated for the remainder of the sections of Bill 13.

Once the incorporation of Bill 14 into Bill 13 is completed, the committee will go back to section 1 of Bill 13 and debate the amendments to Bill 13 before voting on each section of Bill 13.

If there are any further questions, I'd be happy to try and answer them and have a discussion as to how we're proceeding. If not, is the committee prepared to begin clause-by-clause consideration of Bill 13? Any questions or comments on the process?

Ms. Lisa MacLeod: I do, and I'll start with this one, because it's just easy: When we are amending 13, we're able at any time—correct?—to come and put forward a motion from 14 on the table? I'll give you an example. With respect to the two definitions of bullying, one in 13 and one in 14, are we able to put forward a motion that would suggest amending 13 with the definition of 14?

The Chair (Mr. Ernie Hardeman): I guess I have to get a legal opinion. There is a part of the direction that in fact, as long as they're not substantive changes, changes can be made to Bill 13/14, incorporating Bill 13/14. But that's what we're trying to accomplish in this section. The amendments that are before us are those that are taken, in day 1, out of the amendments, taking all that which you want out of Bill 14 into Bill 13. That's in the amendments we will be dealing with first.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): And there will be some overlap there in what each party has decided they want to do, but the first step today is to take everything that you want out of Bill 14, transfer it to Bill 13, and we will do that. And if we get to one, Ms. MacLeod, where in fact it's more than what the amendment is before us, it's an opportunity, if it's the same issue, that you could amend the amendment.

Okay, any other questions or comments? If not—

Ms. Tracy MacCharles: Chair, I just note that there is a vote in 25 minutes.

The Chair (Mr. Ernie Hardeman): Yes. One of the things with the clause-by-clause, because there's not delegations meeting with us, is that we can stop at whatever time before the vote and then come back right after the vote without causing a great disturbance, hopefully.

Ms. Tracy MacCharles: Thank you.

The Chair (Mr. Ernie Hardeman): Okay?

So the first section is section 1 and the first amendment is an NDP amendment.

Mr. Peter Tabuns: We are motion 1, Mr. Chair, and we withdraw.

The Chair (Mr. Ernie Hardeman): It's withdrawn.

The second one in section 1 is a government motion, subsection 1(1). We have someone? Yes, Ms. MacCharles.

Ms. Tracy MacCharles: I move that the definition of "bullying" in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill be struck out and the following substituted:

"'bullying' means aggressive and typically repeated behaviour by a pupil where,

"(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

"(i) causing harm, fear or distress to another individual, including physical, psychological, social or academic harm, harm to the individual's reputation or harm to the individual's property; or

"(ii) creating a negative environment at a school for another individual; and

"(b) the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education; ('intimidation')"

The Chair (Mr. Ernie Hardeman): Thank you. Debate?

Ms. Lisa MacLeod: Chair, are we able to further amend the government's amendment with a friendly amendment?

The Chair (Mr. Ernie Hardeman): You could, yes. You could move forward a motion to amend this motion.

Ms. Lisa MacLeod: All right. May I do that at this time?

The Chair (Mr. Ernie Hardeman): It's your choice, yes.

Ms. Lisa MacLeod: Further on "(a) the behaviour is intended by the pupil to have the effect of, or the pupil ought to know that the behaviour would be likely to have the effect of,

"(i)"—we would maintain that.

"(ii) creating a negative environment at a school for another individual"—we would maintain that.

"(iii) placing the other pupil in reasonable fear of harm to himself or herself or damage to his or her property,

"(iv) creating a hostile environment at school for the other pupil,

"(v) infringing on the legal rights of the other pupil at school, or

"(vi) materially and substantially disrupting the education process or the orderly operation of a school;"

The Chair (Mr. Ernie Hardeman): You don't happen to have that in writing?

Ms. Lisa MacLeod: Yes, it's actually from Bill 14, page 2, clauses 2(1)(b), (c), (d) and (e).

The Chair (Mr. Ernie Hardeman): We should have that copied. That's quite an extensive amendment to assume that everyone remembered what was read into the record.

Mr. Bob Delaney: Chair, we would like to have that copied and distributed.

The Chair (Mr. Ernie Hardeman): We'll get copies made for it and we will recess the committee now until after the vote.

The committee recessed from 1410 to 1442.

The Chair (Mr. Ernie Hardeman): We're back on the road. The clerk's back with copies of the amendment to the amendment. You have the amendment before you. Any comments, questions? Yes, Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much for the opportunity to put forward this friendly amendment to the government motion. The reason for it is that it effectively takes a majority of the portion of what the definition is on bullying from Bill 14. We heard extensively at committee from deputants that Bill 14 had a superior definition. Therefore, I felt that it was necessary to put that forward to a vote today.

The Chair (Mr. Ernie Hardeman): Any other comments, questions? Yes, Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. We appreciate the spirit within which Ms. MacLeod offers the friendly amendment. The existing amendment, however, builds on an evidence-based definition of bullying already found in Bill 13. In this and in other passages through the bill, we will capture the essence of Bill 14, and this consistency will also make sure that there's clarity about how the definition should be applied in every school across the province. So, Chair, we will not be supporting this friendly amendment.

The Chair (Mr. Ernie Hardeman): Further comments, questions?

If not, we'll call the vote on the amendment to the amendment.

All those in favour? Opposed? The motion is lost.

Now the amendment, as put forward: Any discussion or comments on the amendment?

Ms. Lisa MacLeod: Chair, if I may?

The Chair (Mr. Ernie Hardeman): Yes, Ms. MacLeod.

Ms. Lisa MacLeod: During the public delegations, over a five-day period, we heard from a substantial number of anti-bullying coalitions who expressed their desire that the definition as it pertains to bullying be followed as it was in Bill 14, as opposed to Bill 13. Therefore, I'd like to move that subsection 1(1), subsection 1(1) of the Education Act, be amended to use fully the Bill 14 definition of bullying and insert that into Bill 13.

The Chair (Mr. Ernie Hardeman): Okay, we have another amendment to the amendment—to the present amendment, not to the previous amendment. There's only two amendments allowed per amendment.

Mr. Bob Delaney: Would the Chair please clarify whether the proposal relates to the amendment before the committee right now, and if so, is it in order?

Mr. Ernie Hardeman: From the Chair's point of view, it would relate, because it's about the definition of bullying. So in either case, the intent of the amendment is to identify what bullying is, and it doesn't matter which one you use, they would relate to one another. So I think it's an appropriate amendment.

The question is, does the committee require a copy of the definition in 14? If not, any further discussion on the amendment?

Ms. Lisa MacLeod: Chair, just to reiterate, throughout our public delegations more than 80 folks had appeared before committee. Anti-bullying coalitions from across Ontario, as well as many parent groups, suggested that the anti-bullying definition in Bill 14, the Anti-Bullying Act, was far stronger and would further explain the importance of anti-bullying measures and what students could expect in terms of protection. Therefore, I respectfully request that my colleagues support the definition of bullying as it pertains to the Anti-Bullying Act, Bill 14.

The Chair (Mr. Ernie Hardeman): The question is then to call the vote on the definition in Bill 14, which is the amendment to the amendment. All those in favour? Opposed? The motion is lost.

Now we go back to the original amendment from Ms. MacCharles that was read into the record. Debate on the amendment. Any discussion? If not, all those in favour of the amendment? Opposed? The motion is carried.

The next one is an NDP amendment.

Ms. Cheri DiNovo: Yes, thank you, Mr. Chair. I move that subsection 1(1) of the bill, subsection 1(1) of the Education Act—

Mr. Peter Tabuns: That's day 2.

Ms. Cheri DiNovo: Sorry.

The Chair (Mr. Ernie Hardeman): It's on page 4. I missed that too, so don't feel bad. It wasn't checked for day 2 or for day 1.

Mr. Peter Tabuns: Number 4?

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Peter Tabuns: We will withdraw our motion in favour of supporting the PC motion on cyberbullying.

The Chair (Mr. Ernie Hardeman): That motion is withdrawn. The next one is 5, the PC motion.

Ms. Lisa MacLeod: Thank you very much, Mr. Chair. I'd also like to say thank you to my colleague from the NDP.

I move that subsection 1(2) of the bill be amended by adding the following subsection to section 1 of the Education Act:

“Cyberbullying:

“(1.0.0.2) For the purposes of the definition of ‘bullying’ in subsection 1, bullying includes bullying by electronic means (commonly known as cyberbullying), including,

“(a) creating a web page or a blog in which the creator assumes the identity of another person;

“(b) impersonating another person as the author of content or messages posted on the Internet; and

“(c) communicating material electronically to more than one individual or posting material on a website that may be accessed by one or more individuals.”

The purpose of this motion is to add a comprehensive definition of cyberbullying to the proposed legislation. Presently, Bill 13 only makes a passing reference to electronic bullying. Due to the increasing prevalence of online harassment, this measure is wholly necessary to protect students and educators alike. It is a centrepiece of Bill 14 and we believe that it's necessary to be included in Bill 13.

1450

The Chair (Mr. Ernie Hardeman): Thank you. Any further discussion on that amendment? Mr. Delaney.

Mr. Bob Delaney: Chair, we thank the PCs for this motion. We are prepared to support it. We think it's an effective contribution to the bill.

The Chair (Mr. Ernie Hardeman): Any further discussion? If not, all those in favour of the motion? Opposed? The motion's carried.

The next one is government motion number 6.

Mr. Bob Delaney: Chair, if it isn't out of order, it's already withdrawn.

The Chair (Mr. Ernie Hardeman): The next one is number 7, a PC motion.

Ms. Lisa MacLeod: I move that subsection 1(2) of the bill be amended by adding the following subsection to section 1 of the Education Act:

“Bullying in schools

“(1.0.0.3) For the purposes of this act, bullying shall be deemed to occur in a school if it occurs,

“(a) on a school site or within 100 metres of a school site;

“(b) during the course of an activity, function or program that is conducted for a school purpose;

(c) through the use of technology or an electronic device provided to the pupil by a school; or

“(d) through the use of technology or an electronic device that is not provided to the pupil by a school if the

bullying has the effect of or is reasonably intended to have the effect of,

“(i) creating a hostile environment at school for the other individual;

“(ii) infringing on the legal rights of the other individual at school, or

“(iii) materially and substantially disrupting the education process or the orderly operation of a school.”

The rationale, the purpose of this motion is to define when school administrators are responsible for addressing acts of bullying. This motion is necessary in order to address bullying which takes place outside of a school building.

There was concern by anti-bullying advocates at committee that school administrators were shirking their responsibility because these incidents were not happening inside or near the school.

We heard from probably a dozen parent groups, anti-bullying coalitions and others that they felt that the buck needed to stop somewhere. We believe that this motion will do that.

The Chair (Mr. Ernie Hardeman): Any further debate on the motion? Mr. Delaney.

Mr. Bob Delaney: Chair, this proposal limits the Bill 13 definition by adding specific details on where bullying may occur and how. Indeed, the government took some ideas from this and incorporated them into the amendment just passed now. The definition in Bill 13 in the government motion is in fact evidence-based and more comprehensive as it covers any bullying that has a negative impact on school climate or whether it happens on school property or during school-related events.

So in that sense, Chair, we find the PC motion, while well intended, is perhaps too limited in scope—in other words, a reference to 100 metres of a school—and as this and further proposals suggest more comprehensive motions, the government will oppose this one.

The Chair (Mr. Ernie Hardeman): Any further discussion on the motion?

Ms. Lisa MacLeod: Yes, Chair. Just to reiterate, when the anti-bullying coalitions came to our committee, they had the opportunity to look at both Bill 13 and Bill 14, and many of those anti-bullying advocates endorsed the definition in Bill 14 and endorse this specific amendment because they actually think it's more clear. I would submit that to the honourable member and would hope that they would support this.

The Chair (Mr. Ernie Hardeman): Any further debate? If not, I call the question. All those in favour? Opposed? The motion's lost.

The next one is number 8.

Ms. Tracy MacCharles: Chair, may I? Number 9, I believe, for day 1.

Mr. Peter Tabuns: We'll get used to it by the end of the two days.

The Chair (Mr. Ernie Hardeman): Okay, motion number 9, NDP. That's in section 2. We completed section 1, as far as transferring goes. We will not be

voting on the section because the section has to stay open to do it next time all the way through. Okay?

So NDP motion number 9.

Mr. Peter Tabuns: I withdraw that amendment, Mr. Chair.

The Chair (Mr. Ernie Hardeman): PC motion number 10.

Ms. Lisa MacLeod: Just to be clear, Chair, number 8 is to be dealt with tomorrow?

The Chair (Mr. Ernie Hardeman): Yes. It's a number—

Ms. Lisa MacLeod: Okay. I move that section 2 of the bill be amended by adding the following subsection:

“(3) Section 8 of the act is amended by adding the following subsection:

“Curriculum guidelines and learning materials, bullying prevention

“(1.1) The minister shall ensure that the curriculum guidelines issued under paragraph 3 of subsection (1) include bullying prevention as a mandatory component of instruction for pupils in every grade.”

The rationale, the purpose of this motion is to ensure Ontario students have a classroom discussion about bullying, its ramifications and impacts at least once a year. This should be achieved by adding bullying prevention to the provincial curriculum.

This is something that the former member from Kitchener–Waterloo has spoken very passionately about. It's something our caucus, the official opposition, believes needs to be there in order to prevent bullying at a later age—to start teaching it at a younger age—and of course to ensure that the unintended consequences of bullying are mentioned in classrooms as well. So we would be seeking support from our colleagues for this amendment.

The Chair (Mr. Ernie Hardeman): Any further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, we grasp what the member is proposing. We have some thoughts on this. The approach would pre-empt the work of the Ontario Curriculum Council, which has been tasked with providing advice on how to strengthen equity and inclusive education as well as bullying prevention into the curriculum.

Embedding curriculum in legislation would be unprecedented. The ministry does not legislate requirements for instruction in, for example, math, reading or science. Doing so for bullying prevention would set a precedent with which the ministry is uncomfortable.

The Chair (Mr. Ernie Hardeman): Further discussion? If not, I will call the question. All those in favour? Opposed? The motion is lost.

With that, we shall recess the committee until after the vote.

The committee recessed from 1458 to 1509.

The Chair (Mr. Ernie Hardeman): The last motion we left was motion number 10, a PC motion. That's also the last motion in section 2. I'm to ask now, are there any further amendments that you wish to move from Bill 14 to 13 in section 2? If not, we'll then move on to section 3.

Ms. Lisa MacLeod: Are we voting, Chair, on this section or are we waiting until—

The Chair (Mr. Ernie Hardeman): No, we have to wait with all the sections until we do Bill 13—

Ms. Lisa MacLeod: I see.

The Chair (Mr. Ernie Hardeman): —because there are other amendments that go in the section that have been introduced already.

So we're in section 3. There are no motions for section 3 in the present package for day 1. Are there any amendments you wish to make that are not presently in the package? Yes?

Ms. Cheri DiNovo: Motion number 15 is a section 3 amendment, Mr. Chair.

The Chair (Mr. Ernie Hardeman): It's a new section. So it's new section 3, as opposed to the old—my question is just on the old section.

Ms. Cheri DiNovo: Okay.

The Chair (Mr. Ernie Hardeman): Okay, so if there are no further, then we will go to section 3.1. We have two motions in that one. The first one is a New Democrat one, number 15. Mr. Tabuns?

Mr. Peter Tabuns: I move that the bill be amended by adding the following section:

"3.1 Subsection 170(1) of the act is amended by adding the following paragraph:

"professional development programs, bullying and school climate

"7.1 establish and provide annual professional development programs to educate teachers and other staff of the board about bullying prevention and strategies for promoting positive school climates;"

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Ms. Lisa MacLeod: If I may, Chair? If I may make a friendly amendment:

"7.2. And that the minister shall ensure that the curriculum guidelines, based on professional development, issued under this section include bullying prevention as a mandatory component of instruction for pupils in every grade."

The Chair (Mr. Ernie Hardeman): Okay. We don't have that in writing. Did you read that from any part that the committee could look at, to see what it says?

Ms. Lisa MacLeod: Yes, Chair. It was a previous motion, elements of it, regarding curriculum guidelines in learning materials. I thought I would like to try to encourage the committee to include it with professional development programs for bullying in school climate, and include it while there is development for our teachers and our principals and other school staff, so that that simply not just be used as training but also executed through programs and anti-bullying initiatives in the school.

The Chair (Mr. Ernie Hardeman): Did the committee understand that? Further discussion on that amendment?

Mr. Peter Tabuns: Yes, I understand what has been moved.

The Chair (Mr. Ernie Hardeman): Okay. Any further discussion on the amendment to the amendment?

Mr. Peter Tabuns: I will just say I appreciate the spirit in which the amendment to our amendment has been made, but we don't support it and we would ask that the committee defeat the amendment to the amendment and support the main amendment that was put forward. I hope I wasn't too convoluted.

The Chair (Mr. Ernie Hardeman): Any further discussion on the amendment to the amendment?

If not, we'll call the question. All those in favour of the amendment to the amendment? Opposed? The amendment to the amendment is lost.

Now we'll have discussion on the amendment. Any further discussion?

Mr. Peter Tabuns: I will just say, Chair, that it was clear from a number of presentations, both by teachers and education workers and others, that providing this kind of information on an ongoing basis to those who work in the education system would be to our advantage.

The Chair (Mr. Ernie Hardeman): Further discussion? Yes, Mr. Delaney.

Mr. Bob Delaney: Chair, I just want to add one minor point on to that. The ministry has control over two PD days and has recently added bullying prevention to the list of subjects to be covered, so we fully support this proposal.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, we'll call the question. All those in favour of the amendment? Opposed? The amendment is carried.

The next one is motion number 16, a PC motion.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

"3.1 Subsection 170(1) of the act is amended by adding the following paragraph:

"remedial programs for bullying

"7.1 ensure that schools of the board provide remedial programs and restorative justice programs designed to help victims of bullying recover from being bullied and to discourage perpetrators of bullying from continuing to engage in bullying, which programs may be offered by social workers, psychologists or other professionals who have training in similar fields;"

Given that the Liberals are attempting to put forward a piece of anti-bullying legislation under the Accepting Schools Act, 2011, my suggestion is based on the deputations of a number of those who came forward, saying that more needs to be done in our schools with respect to treating bullied students as well as remediating them. The purpose of the motion is to specify the remedial and restorative justice programs, and that they are to be made available to victims and aggressors. The provision is presently absent from the government's legislation, Bill 13. This Bill 14 provision was strengthened to reflect the advice of anti-bullying advocate Anthony McLean, among others.

The Chair (Mr. Ernie Hardeman): Any further comments? Mr. Delaney.

Mr. Bob Delaney: I'd like to suggest an amendment to PC motion number 16. As the minister and the Premier have said, there were a lot of good ideas in Elizabeth Witmer's bill, so I'd like to suggest that we can strengthen the PC amendment as follows:

I move that the bill be amended by adding the following section:

"3.1 Subsection 170(1) of the act is amended by adding the following paragraph:

"programs, interventions and other supports, bullying

"7.1 provide programs, interventions or other supports for pupils who have been bullied, pupils who have witnessed incidents of bullying and pupils who have engaged in bullying, and the programs, interventions and other supports may be provided by social workers, psychologists or other professionals who have training in similar fields, as determined by the board."

Chair, if the clerk would like to distribute some copies, I have some copies of the proposed amendment to the amendment.

The Chair (Mr. Ernie Hardeman): We've heard the amendment to the amendment. Any discussion on that amendment to the amendment?

Ms. Lisa MacLeod: Chair, I'm wondering if it would be amenable to our colleagues to have a brief five-minute recess so we may look at it.

The Chair (Mr. Ernie Hardeman): Is it okay?

Mr. Bob Delaney: Yes, absolutely.

The Chair (Mr. Ernie Hardeman): We'll recess for five minutes.

The committee recessed from 1517 to 1521.

The Chair (Mr. Ernie Hardeman): For the clarification of the process, I would ask everyone to understand that the amendment to the amendment is actually an amendment to the original amendment, not to the other. So the question is, do you want to include in the record to strike out the paragraph to add the other 7.1, or do you want to withdraw the one and put the other one in? They accomplish the same thing.

Ms. Lisa MacLeod: We'd like a vote on ours.

The Chair (Mr. Ernie Hardeman): Okay, but we have to vote on this one first.

Ms. Lisa MacLeod: Sure.

Mr. Bob Delaney: Chair, just before we vote, the effect of the vote that we are now about to undertake would be to substitute from the amendment proposed by the PCs the language in the amendment in clause 7.1—in the amendment to the amendment in clause 7.1—so it would take this 7.1 and put it into the 7.1 in the proposed amendment.

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Bob Delaney: Okay, just wanted to make sure.

The Chair (Mr. Ernie Hardeman): Okay, so this is then the amendment to the amendment—

Mr. Bob Delaney: —such that, if adopted, the amendment would contain this 7.1 and not its existing 7.1.

The Chair (Mr. Ernie Hardeman): Yes.

Mr. Bob Delaney: Okay, we're clear.

The Chair (Mr. Ernie Hardeman): I would point out, I guess for clarification, that the first vote is to put this amendment in. The second vote will be to vote on the PC amendment as amended. Okay? Any further discussion? Everyone understand the process?

With that, all those in favour of the amendment to the amendment? Opposed? The motion is carried.

So now the question is, we'll call the vote. If there's no further debate on the PC amendment, we will call the vote on the PC amendment as amended. Any further discussion on that?

If not, all those in favour? Opposed? The motion is carried.

Are there any further amendments on section 3.1?

If not, section 3.2, PC amendment number 17.

Ms. Lisa MacLeod: Sorry, Chair, I'll just read it from here, because it's not in my package.

I move that the bill be amended by adding the following section:

"3.2 Subsection 170(1) of the act is amended by adding the following paragraph:

"professional development programs on bullying"—I believe, Chair, that the reason I took this out of my package is because it's redundant to one that we've already passed with the New Democrats.

Mr. Bob Delaney: Just for clarification, is that a withdrawal of it?

Ms. Lisa MacLeod: Yes, it's a withdrawal.

The Chair (Mr. Ernie Hardeman): Okay, a withdrawal.

Ms. Lisa MacLeod: That's why it's out of my package.

The Chair (Mr. Ernie Hardeman): Very good. I should have ruled it out of order, if I'd read it, but I'd much sooner have it withdrawn.

Are there any further amendments in section 3.2?

There are no amendments proposed in section 4. Are there any amendments proposed that have not been turned in for section 4? If not, we'll go on to section 5.

There are, again, no amendments in section 5, so unless there are amendments from the floor, we'll move on to section 6.

Section 6, government motion 22.

Mr. Bob Delaney: I move that subsection 6(2) of the bill be amended by adding the following subsection to section 300.2 of the Education Act:

"Principal's duty to investigate

"(3) A principal shall investigate any matter reported under subsection (1)."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Mr. Bob Delaney: Just one explanatory note, Chair: The principal's investigations of reported incidents does draw on a suggestion made in Bill 14 that we wanted to find a way to include in this bill, so that's the reason for including it.

The Chair (Mr. Ernie Hardeman): Further discussion? If not, I'll call the question. All those in favour of the amendment? Opposed? The motion is carried.

Amendment 23 is also a government amendment.

Mr. Bob Delaney: Ms. Cansfield will read this one.

Mrs. Donna H. Cansfield: I'd like to move an amendment to the Education Act with respect to bullying and other matters.

I move that subsection 6 (2) of the bill be amended by adding the following subsections to section 300.2 of the Education Act:

"Informing reporter

"(4) After investigating a matter reported under subsection (1), the principal shall communicate the results of the investigation to,

"(a) if the matter was reported by a teacher, that teacher; or

"(b) if the matter was reported by an employee who is not a teacher, that employee unless, in the principal's opinion, it would not be appropriate to do so.

"Same

"(5) The principal shall not disclose more personal information under subsection (4) than is reasonably necessary for the purpose of communicating the results of the investigation."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: A couple of clarifying points, Chair: The motion requires reporting back to teachers but provides some discretion to principals on reporting back to board employees. This is important to protect the privacy of students by placing limits on information to be shared with staff other than teachers. Teachers already have access to student records, so it's reasonable to expect that they be provided with information with respect to disciplinary actions taken.

The Chair (Mr. Ernie Hardeman): Any further discussion? If not, all those in favour of the motion? Opposed? The motion is carried.

Are there any further amendments to section 6 other than the ones that were presented? If not, we'll go to 6.1.

The first one is number 24, from the government.

Ms. Tracy MacCharles: Chair, I'll speak to that.

The Chair (Mr. Ernie Hardeman): Ms. MacCharles.

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

"6.1 (1) Subsection 300.3(1) of the act is repealed and the following substituted:

"Notice to parent or guardian

"(1) Subject to subsections (2) and (3), if the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306(1) or 310(1), the principal shall, as soon as reasonably possible, notify,

"(a) the parent or guardian of the pupil who the principal believes has been harmed; and

"(b) the parent or guardian of any pupil of the school who the principal believes has engaged in the activity that resulted in the harm."

"(2) Subsection 300.3(4) of the act is repealed and the following substituted:

"Same

"(4) When notifying a parent or guardian of a pupil under clause (1)(a), the principal shall disclose,

"(a) the nature of the activity that resulted in harm to the pupil;

"(b) the nature of the harm to the pupil;

"(c) the steps taken to protect the pupil's safety, including the nature of any disciplinary measures taken in response to the activity; and

"(d) the supports that will be provided for the pupil in response to the harm that resulted from the activity."

"(3) Subsection 300.3(5) of the act is amended by striking out 'under this section' and substituting 'of a pupil under clause (1) (a)'.

"(4) Section 300.3 of the act is amended by adding the following subsections:

"Same

"(6) When notifying a parent or guardian of a pupil under clause (1)(b), the principal shall disclose,

"(a) the nature of the activity that resulted in harm to the other pupil;

"(b) the nature of the harm to the other pupil;

"(c) the nature of any disciplinary measures taken in response to the activity; and

"(d) the supports that will be provided for the pupil in response to his or her engagement in the activity."

"Same

"(7) When notifying a parent or guardian of a pupil under clause (1)(b), the principal shall not disclose the name of or any other identifying or personal information about a pupil who has been harmed as a result of the activity, except in so far as is necessary to comply with subsection (6).

"Parent's right to provide comments

"(8) When notifying a parent or guardian under this section, the principal shall invite the parent or guardian to have a discussion with the principal about the supports that will be provided for his or her child."

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Discussion?

Ms. Lisa MacLeod: We've got a motion further on down—actually, it's, I believe, the next amendment. I would like to withdraw that, but I'd like to make a friendly amendment in keeping with this, and I think it's the most appropriate place. If we could have, under "Parent's right to provide comments," subsection (8), a new heading, "Criminal charges," and have a subsection (9) that says: "If criminal charges may be laid against the perpetrator, notify the appropriate law enforcement agency."

The Chair (Mr. Ernie Hardeman): Okay, there's no connection between the withdrawal and this. You can make that amendment to this motion for discussion.

Ms. Lisa MacLeod: Okay, well, then, I guess that's for clarification, so if I may put forward that.

The Chair (Mr. Ernie Hardeman): Yes. Okay? You've heard the amendment. Any discussion on the amendment to the amendment? Mr. Delaney.

Mr. Bob Delaney: Chair, owing to the nature of the amendment, may we request that we get the amendment on paper and request just a brief recess to discuss it?

Ms. Lisa MacLeod: Yes.

The Chair (Mr. Ernie Hardeman): So done. We will take a few minutes on this. It's strange, taking some time off when the bells aren't ringing.

The committee recessed from 1533 to 1555.

The Chair (Mr. Ernie Hardeman): We'll call the meeting back to order. We now have two PC motions that deal with changing government motion 24. We'll ask if there's further discussion. Ms. MacLeod, if you'd explain what it is that your motions are trying—

Ms. Lisa MacLeod: Thank you very much, Chair. I have, I think, two redundant motions with the exception of two sections that I'd like to amend the government's bill with.

First, government motion 24: I move that government motion 24 be amended by adding a new subsection 300.3(9) of the Education Act at the end of the motion:

"Notice to law enforcement agency

"(9) If the principal of a school believes that a pupil of the school has been harmed as a result of an activity described in subsection 306(1) or 310(1), the principal shall notify the appropriate law enforcement agency if criminal charges may be laid against the perpetrator."

Chair, at this time, are we voting on both of them at the same time or do I read both motions in?

Mr. Bob Delaney: Let's do them one at a time.

Ms. Lisa MacLeod: Okay. One at a time?

The Chair (Mr. Ernie Hardeman): Okay. If your wishes are one at a time—you've heard the motion. Further discussion on the motion? Ms. Cansfield.

Mrs. Donna H. Cansfield: Chair, I'd like to suggest that currently there are protocols in place that pupils from all schools who are on that school property—they have a protocol that is in place that determines if and when and how the principal calls the police if there has been that kind of activity. It is the police who actually lay the charge and then it becomes a criminal investigation and it falls under the responsibility, at that point, of the police.

So actually this is very restrictive because it speaks to only a pupil of that school, whereas a principal has responsibility for all pupils who come to his school—maybe an after-school activity, maybe a weekend activity where they're playing pickup basketball or whatever. But there already is a protocol in place which speaks to—and then, as I said, it's very clear: The police lay the charges. Then it becomes a criminal responsibility of the police and not of the principal.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: Chair, we feel that this needs to be included. It was something that we had heard from time to time at committee and through consultations. So we'd like to move forward with that.

The Chair (Mr. Ernie Hardeman): Okay. You've heard the discussion. If there's no further discussion, we'll call the question. All those in favour of this amend-

ment to the amendment? Opposed? The amendment is lost.

Ms. Lisa MacLeod: So the second amendment, Chair?

The Chair (Mr. Ernie Hardeman): Yes, thank you very much, Ms. MacLeod.

Ms. Lisa MacLeod: I move that government motion 24 be amended by adding a new subsection 300.3(10) of the Education Act at the end of the motion:

"Participation in remedial programs

"(10) If the principal of a school believes that a pupil of the school has been harmed as result of an activity described in subsection 306(1) or 310(1), the principal shall require the perpetrator to participate in remedial programs to discourage the perpetrator from continuing to engage in bullying and allow the victim to participate in the programs."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Yes, Mr. Delaney.

Mr. Bob Delaney: Chair, the motion requires principals to take a number of actions if the principal believes an act of bullying has occurred in the school. By and large, this one is covered off in a government motion and we think we've covered it off a little more broadly and comprehensively. I'm just wondering if any other committee member may wish to have a thought on that.

Mrs. Donna H. Cansfield: I agree.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Any further discussion? If not, all those in favour of the motion? Opposed? The motion's lost.

1600

Now back to the original amendment, the government motion. Any further discussion on the motion, as un-amended? If there's no further discussion on the motion, then all those in favour of the motion? Opposed? The motion's carried. That's motion 24.

Motion 25, 26—those are the ones you were—

Ms. Lisa MacLeod: Yes. I would like to propose another amendment, if it's possible.

The Chair (Mr. Ernie Hardeman): On?

Ms. Lisa MacLeod: Section 6.2 of the bill, section 300.6 of the Education Act. I move that the bill be amended by adding the following section:

"After a reasonable time after the end of every school year, or more frequently if the board so requires, a principal shall prepare and submit to the board a report of,

"(a) the number of reports of an act of bullying in the school year that the principal has received during the school year;

"(b) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, believed that an act of bullying had occurred; and

"(c) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, contacted a law enforcement agency so that the agency could consider laying a criminal charge against the perpetrator of the act of bullying."

The Chair (Mr. Ernie Hardeman): Is that a new amendment?

Ms. Lisa MacLeod: Number 51. Mine aren't numbered for some reason.

Interjection.

Ms. Lisa MacLeod: Okay, Chair, I guess we're filing that under section 9.3 of the bill.

Mrs. Donna H. Cansfield: Under what section? Chair, I didn't hear. Under what section?

Ms. Lisa MacLeod: We filed it under 9.3 instead of 6.3.

Ms. Cheri DiNovo: Sorry, Mr. Chair. What are we doing with 25?

Ms. Lisa MacLeod: I've withdrawn—

Ms. Cheri DiNovo: You've withdrawn 25. Okay, so that's withdrawn. So, then, we're on to 26?

The Chair (Mr. Ernie Hardeman): If I could just get some clarification, I'd like to know where we're at. That would help immensely.

Ms. Cheri DiNovo: Motion 25 has been withdrawn. My understanding is that we're on to 26.

Ms. Lisa MacLeod: I have a package that's half-numbered and half not, because I've written in my own rationales. So I apologize.

The Chair (Mr. Ernie Hardeman): Let's go to where I was.

Mr. Peter Tabuns: Yes, let's go to the numbers.

The Chair (Mr. Ernie Hardeman): Number 25 is a PC motion that's been withdrawn. Okay.

Number 26 is a PC motion.

Ms. Lisa MacLeod: Okay. Section 7.4 of the bill, subsection 301(7.1) of the Education Act.

I move that subsection 301(7.1) of the Education Act, as set out in subsection—

The Chair (Mr. Ernie Hardeman): Whoa, whoa. That's not the motion I'm at.

Interjections.

Ms. Lisa MacLeod: How did this happen?

The Chair (Mr. Ernie Hardeman): This is section 6.2.

Ms. Lisa MacLeod: All right. Thanks, everybody. Oh, it's simple, because I've withdrawn 26.

Ms. Cheri DiNovo: Are you withdrawing 26?

Ms. Lisa MacLeod: Withdrawing 26.

The Chair (Mr. Ernie Hardeman): Motion 26 is withdrawn. Motion 27 is tomorrow.

Ms. Lisa MacLeod: All right, motion 27—

The Chair (Mr. Ernie Hardeman): No, that's day two. That's not in this one. So we have now finished section—

Ms. Lisa MacLeod: So we're not going to tamper with this anymore. Okay?

The Chair (Mr. Ernie Hardeman): We've finished section 6, so unless there are any other amendments that were not introduced before that you want to put forward now, we will move on to 6.1. There are no amendments that we have for 6.1.

Section 7: Number 32 is the first one.

Ms. Lisa MacLeod: All right. This is the one we're at.

The Chair (Mr. Ernie Hardeman): Number 32 is a PC motion.

Ms. Lisa MacLeod: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be struck out.

The rationale and the purpose of this motion is to remove a section of the government's legislation that is made obsolete by another PC motion that specifically outlines policies and guidelines with respect to bullying prevention and intervention in schools.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Questions and comments?

Mr. Bob Delaney: I have a question on clarification. Is this a motion that we've already dealt with or one that is yet to come? You mentioned it refers to another motion.

Ms. Lisa MacLeod: Yes, we referred to it previously on anti-bullying awareness. We'll be dealing with this in the future, with intervention plans and bullying plans.

The Chair (Mr. Ernie Hardeman): If you have a motion that moves to strike out—

Ms. Lisa MacLeod: You want us to replace it?

The Chair (Mr. Ernie Hardeman):—would that not just be a motion to vote against that section of the bill?

Ms. Lisa MacLeod: But we have a government motion next. This motion that we're dealing with refers to a motion that was actually filed before this, yet will be dealt with tomorrow.

The Chair (Mr. Ernie Hardeman): The suggestion is that we just stand it down, then, and deal with it tomorrow.

Ms. Lisa MacLeod: Sure, we're happy to.

Interjection.

Ms. Lisa MacLeod: It will be interesting to see where that shows up in my package tomorrow.

The Chair (Mr. Ernie Hardeman): The next one is government motion number 35, section 7.

Mr. Bob Delaney: Thank you, Chair. Ms. MacCharles will read this one.

Ms. Tracy MacCharles: Subsection 7(4) of the bill, subsection 301(7.2) of the Education Act—

Interjection.

Ms. Tracy MacCharles: Sorry, 7.1 or 7.2? Hang on. I've got two here. I'm on the wrong one. Sorry.

I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be amended by:

1. striking out clauses (b) and (c) and substituting the following:

“(b) resources to support pupils who have been bullied;

“(b.1) strategies to support pupils who witness incidents of bullying;

“(c) resources to support pupils who have engaged in bullying;”

2. adding the following clauses:

“(d.1) procedures that allow parents and guardians and other persons to report incidents of bullying;

“(g) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3.”

The Chair (Mr. Ernie Hardeman): Maybe we could have you explain what it is you hope to accomplish with this motion in Bill 14 going to Bill 13.

Mr. Bob Delaney: The motion includes support for bully, victim and bystander, as well as procedures for parents and guardians to report bullying. This is responsive to some of the stakeholder recommendations—for example, ETFO—that students who witness bullying also require support. So these are some of the recommendations that came out of the committee process.

1610

The Chair (Mr. Ernie Hardeman): If I could again ask the government side just to clarify in my mind where we’re going with this. What part of Bill 14 are we changing to Bill 13 to facilitate anything? Day 1: That’s the process we’re doing now. What part of Bill 14 did we want to change into Bill 13?

Mr. Bob Delaney: I’m not exactly sure I follow the question here.

Mrs. Donna H. Cansfield: Why does it have to be specific to that anyway?

The Chair (Mr. Ernie Hardeman): The reason I asked the question is if it’s similar to the previous motion. I don’t know what it is we’re voting against or voting for. What is it we’re trying to do with this motion?

Interjection.

Mr. Bob Delaney: The clerk points out that clause (g) deals with a motion to be discussed tomorrow, so may I request the committee’s indulgence to move this from day 1 to day 2?

The Chair (Mr. Ernie Hardeman): To stand it down. Thank you very much. That’s what I wanted to hear. Thank you.

Mr. Bob Delaney: Mea culpa; our procedural error.

The Chair (Mr. Ernie Hardeman): See, I can’t ask you to stand it down, but I can tell you I don’t understand why we’re doing this. My apologies, again.

Government motion 37.

Ms. Tracy MacCharles: Subsection 7(4) of the bill, subsection 301(7.2) of the Education Act.

Mrs. Donna H. Cansfield: Where are we?

The Chair (Mr. Ernie Hardeman): We’re at number 37. It’s a government motion.

Ms. Tracy MacCharles: Yes. Day 1.

I move that subsection 7(4) of the bill be amended by adding the following subsections to section 301 of the Education Act:

“Same, collection of information

“(7.2) The minister may establish policies and guidelines requiring boards to collect specified information relating to behaviour, discipline and safety in schools.

“Same, s. 314.5 reports

“(7.3) The minister may establish policies and guidelines with respect to the reports required under subsection 314.5(1), including policies and guidelines respecting the

form and content of the reports and the times at which they must be submitted.”

The Chair (Mr. Ernie Hardeman): Okay. You’ve heard the motion. Discussion?

Ms. Lisa MacLeod: Yes, Chair. Throughout our consultations with the public, we heard from many of the deputations that they preferred the word “shall”—“The minister shall establish policies and guidelines”—because they felt that that had more strength and teeth. Whether it does, I’m not sure. However, I’m wondering if my Liberal counterpart would consider changing the “may” to a “shall” in order to accommodate the public who have expressed, from time to time, their opinion on that matter. It is a simple wording change, but words matter, as everyone says.

Mr. Bob Delaney: While appreciating that throughout the bill we’ve tried to take the things that we feel that the minister must do and upgrade the action from “may” to “shall,” I have some trouble with this, because it applies “shall” to a contingency that has not yet occurred. In the event that there isn’t a particular need for a reason that, at this point, we may not know of, to change it from “may” to “shall” would require the minister to take an action based upon a contingency that has not occurred.

Ms. Lisa MacLeod: I think, though, however, to your point, we feel in our caucus, and we have felt for some time, that there must be an ability to establish reporting guidelines in order to collect the information so that we’re able to make our best decisions moving forward. That’s why in Bill 14, through our discussions, this was important, and it remains important to us today. We are not just simply echoing—although they are important voices for many of the anti-bullying coalitions. That would signify a very important step for us. We can put forward a friendly amendment, but we believe that this is necessary.

The Chair (Mr. Ernie Hardeman): I’ve just been instructed that this fits with the previous ones that should be—we will be debating it again in section 9 of the bill tomorrow.

Mr. Bob Delaney: Tomorrow?

The Chair (Mr. Ernie Hardeman): On day 2, if we get there. So if we can put this—

Mr. Bob Delaney: Shall we punt this one into the future? So stand this one down until tomorrow?

The Chair (Mr. Ernie Hardeman): Yes, we’ll stand this one down too.

Mr. Bob Delaney: Okay.

The Chair (Mr. Ernie Hardeman): Are there any amendments in section 7 that were not presented in their amendments? Okay, there are none until we get to section 8, PC amendment 38.

Ms. Lisa MacLeod: I move that subsection 8(2) of the bill be struck out.

Our rationale is that the purpose of this motion is to remove a section of the government’s legislation, Bill 13, that is made obsolete by another PC motion that specifically outlines policies and guidelines in respect to bullying prevention and intervention in schools, which I

believe will be dealt with tomorrow. So would you like us to—it will be dealt with later?

The Chair (Mr. Ernie Hardeman): Stand that one down.

Ms. Lisa MacLeod: We're getting the hang of this. Unfortunately, we'll have to go vote and—

The Chair (Mr. Ernie Hardeman): Oh, it isn't necessarily tomorrow. If we have time today, we'll get there.

There are no further in section 8.

Section 9? Nope, there are no amendments in the first part for day 1 for section 9. Are there any that you wish to add to take—things that you want to change from Bill 14 to Bill 13?

Ms. Lisa MacLeod: So my—

The Chair (Mr. Ernie Hardeman): No, that's not a previous—

Ms. Lisa MacLeod: —my 9.1 will be dealt with tomorrow?

The Chair (Mr. Ernie Hardeman): Yes, that will be in the next—

Interjection.

Ms. Lisa MacLeod: It says day 1 on my package.

The Chair (Mr. Ernie Hardeman): Section 9, not 9.1.

Ms. Lisa MacLeod: Okay. Oh, I see.

The Chair (Mr. Ernie Hardeman): If there's nothing further, we are now in section 9.1. The first one is PC amendment 48.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

"9.1 The act is amended by adding the following section:

"Model provincial bullying prevention and intervention plan

"303.2 (1) In consultation with other ministers of the government of Ontario, the minister shall develop a model bullying prevention and intervention plan,

"(a) to assist a board in establishing its bullying prevention and intervention plan under section 303.3; and

"(b) to apply to each school of a board until the board's plan is approved by the minister under that section.

"Not a regulation

"(2) The model bullying prevention and intervention plan is not a regulation within the meaning of part III (Regulations) of the Legislation Act, 2006.

"Communication to boards

"(3) The minister shall make a copy of the model bullying prevention and intervention plan available to every board.

"Same, information on bullying

"(4) The minister shall compile a database of information about recognizing bullying in schools and about bullying prevention and intervention in schools, and shall make the database available to every board."

The purpose of this motion is to strengthen the government's legislation, Bill 13, by requiring that the Minister of Education develops a bullying prevention and

intervention plan with enhanced reporting mechanisms and to share it with all school boards.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: First of all, we thank them for the proposal. We think we have a stronger and a more comprehensive proposal in the next motion. But before we vote on it, I just wanted to provide a few explanatory notes to set it in context.

The proposed motion would require the minister to develop a model bullying prevention and intervention plan and to make it available to all boards. The motion would also require the minister to compile a database of information on bullying prevention and intervention and to make that available to all boards.

1620

This motion would replace ministry bullying prevention and intervention policies, thereby eliminating the minister's authority and flexibility to adapt to emerging and changing circumstances. So, in essence, it asks us to prognosticate something that hasn't happened—for example, new trends in cyberbullying, and things that we cannot now foresee regarding the impact of social networking on student behaviour.

The government motion to be proposed next suggests incorporating bullying prevention and intervention plans into Bill 13, and to provide for the minister's policy authority. The ministry has an expanded registry of bullying prevention programs that includes a range of products and resources, including those intended to foster safe and inclusive schools.

In addition, there are many evidence-based databases available to the sector. As part of the government's comprehensive action plan, an Accepting Schools expert panel will be created to provide advice about resources that focus on a whole-school approach, including prevention and early intervention.

So in essence, what the ministry is proposing is a super-set of what the member has proposed.

The Chair (Mr. Ernie Hardeman): Further discussion? No further discussion? Then we'll call the question. All those in favour of the motion? Opposed? The motion is lost.

The next one is 49, a government motion.

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

"9.1 The act is amended by adding the following sections:

"Model provincial bullying prevention and intervention plan

"303.2(1) The minister shall develop a model bullying prevention and intervention plan to assist boards in establishing bullying prevention and intervention plans under section 303.3.

"Communication to boards

"(2) The minister shall make the model bullying prevention and intervention plan available to every board.

"Board's bullying prevention and intervention plan

“303.3(1) Every board shall establish a bullying prevention and intervention plan for the schools of the board and require its schools to implement the plan.

“Contents of plan

“(2) The bullying prevention and intervention plan shall address any matter specified in the policies or guidelines made under clause 301(7.1)(g).

“Consultation

“(3) When establishing the bullying prevention and intervention plan, a board shall solicit the views of the pupils, teachers and staff of the board, the volunteers working in the schools, the parents and guardians of the pupils, school councils and the public.

“Communication of plans, board

“(4) A board shall make its bullying prevention and intervention plan available to the public by posting it on the board’s website, or, if the board does not have a website, in another manner that the board considers appropriate.

“Same, principal

“(5) A principal of a school shall make the board’s bullying prevention and intervention plan available to the public by posting it on the school’s website or, if the school does not have a website, in another manner that the principal considers appropriate.

“Review of plan

“(6) A board shall periodically review its bullying prevention and intervention plan and shall solicit the views of those listed in subsection (3).”

The Chair (Mr. Ernie Hardeman): You’ve heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: Thank you, Chair. The motion incorporates many of the key elements of Bill 14, to the limit of the ability of those writing it to simply lift a lot of Bill 14. It includes the development of plans, public communication of those plans, review of the plans and, I think most importantly out of Bill 14, community consultation of the plans.

The motion also includes the Bill 14 requirements for the model plan to be developed by the ministry and to be made available to all boards. Many of the stakeholders that spoke to us, like the Elementary Teachers’ Federation of Ontario, the school boards, associations, principals, councils, have all expressed support for this.

Bill 14’s amendment is similar, but requires that the minister approve each plan. This doesn’t recognize local accountability, and in fact, school boards have autonomy as locally elected officials.

In response to some of the questions raised earlier by Ms. MacLeod, you’ll note the absence of the word “may” and the universality of the word “shall.”

Ms. Lisa MacLeod: Chair, we’ll support this. I know we have to go up and vote, and I know it takes a few minutes for some of us to get there. We’ll support this motion.

The Chair (Mr. Ernie Hardeman): Any further debate on the motion? If not, all those in favour? Opposed? The motion is carried.

Okay, we’ve got time for one more.

Interjection.

The Chair (Mr. Ernie Hardeman): Is it a long one?

Mr. Bob Delaney: Yes, this is a long one.

The Chair (Mr. Ernie Hardeman): Okay, we shall adjourn until after the vote.

The committee recessed from 1626 to 1641.

The Chair (Mr. Ernie Hardeman): We’re back in session. The next amendment is a PC amendment to section 9.2. It’s amendment 50 in your package.

Ms. Lisa MacLeod: Thank you, Chair. My colleague Ms. McKenna will read it.

Mrs. Jane McKenna: I move that the bill be amended by adding the following section:

“9.2 The act is amended by adding the following section:

“Board’s bullying prevention and intervention plan

“303.3 (1) Subject to subsection (6), every board shall establish a bullying prevention and intervention plan for the schools of the board.

“Contents

“(2) The bullying prevention and intervention plan shall,

“(a) include descriptions of bullying;

“(b) establish procedures for persons, including the pupils, teachers and staff of the board and the parents and guardians of the pupils, to report bullying to persons or bodies specified in the plan;

“(c) require that the person or body that receives a report of bullying shall keep the identity of the person reporting confidential, if the person so requests, and that no disciplinary action shall be taken under this part against a pupil solely on the basis of such a request;

“(d) establish procedures for a principal to respond promptly to a report of bullying, including by investigating the report;

“(e) state that bullying is prohibited and identify the range of disciplinary action under this part that a principal may take against a perpetrator for bullying;

“(f) establish procedures for assessing the needs for protection of a victim of bullying and restoring a sense of safety to the victim;

“(g) establish strategies for protecting a person who reports bullying, provides information during an investigation of bullying or is witness to or has reliable information about an act of bullying;

“(h) establish disciplinary action under this part that a principal may take against a person found to have falsely accused another person of bullying;

“(i) establish procedures consistent with the law for a principal to promptly,

“(i) notify the parents or guardians of the perpetrator and the victim of an act of bullying that the act has occurred,

“(ii) notify the parents or guardians of the perpetrator and the victim of an act of bullying of the disciplinary action that the principal proposes to take in response to the act of bullying, and

“(iii) notify the appropriate law enforcement agency that an act of bullying has occurred if criminal charges may be laid against the perpetrator; and

“(j) include all other matters that the regulations prescribe.

“Consultation

“(3) When establishing the bullying prevention and intervention plan, a board shall solicit the views of the pupils, teachers and staff of the board, the volunteers working in the schools, the parents and guardians of the pupils, school councils and the public.

“Different plans

“(4) A board may establish different bullying prevention and intervention plans that apply with respect to different schools, different circumstances or different classes of persons.

“Approval of plan

“(5) A bullying prevention and intervention plan has no effect until the minister, by order, approves it, and the minister shall approve a plan only if he or she is satisfied that the plan complies with subsection (2) and that the contents of the plan are effective to deal with bullying in schools.

“Not regulations

“(6) A bullying prevention and intervention plan established under this section is not a regulation within the meaning of part III (regulations) of the Legislation Act, 2006.

“No hearing required

“(7) The minister is not required to hold or afford to a person an opportunity for a hearing before deciding whether or not to approve a bullying prevention and intervention plan.

“Notice of approval

“(8) Upon approving a bullying prevention and intervention plan, the minister shall notify the board.

“Implementation of plans

“(9) A board shall ensure that each school of the board implements the plan that applies to it.

“Communication of plans

“(10) A board shall ensure that a copy of any bullying prevention and intervention plan that it establishes under this section is available to the public, including on the board's website.

“Principal's duty

“(11) A principal of a school shall,

“(a) provide a copy of the bullying prevention and intervention plan established for the school to the pupils, teachers, staff and volunteers working in the school, the parents and guardians of the pupils and the school council; and

“(b) make a copy of the bullying prevention and intervention plan established for the school available to the public, including by posting on the school's website, if any.

“Review of plan

“(12) At times that it considers appropriate or as required by the regulations, a board shall review the bullying prevention and intervention plans that it estab-

lishes under this section and, in doing so, shall solicit the views of those listed in subsection (3).

“Amendments to plan

“(13) Subsections (2) to (11) apply with necessary modifications to an amendment of a plan.”

Rationale: The purpose of this motion is to strengthen the government's legislation, Bill 13, by requiring school boards to develop and publish a bullying prevention and intervention plan. This, in turn, will help to protect our students.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Any further discussion? Mr. Delaney.

Mr. Bob Delaney: I think the difficulty that we have with this, Chair, is not its intended scope but simply how detailed and prescriptive it is. If we could be guaranteed that the actions of schools, boards, students, bullies and bullied were going to freeze in time for all eternity, it might be worth this very detailed description in legislation. In fact, this motion would prescribe the elements of a bullying prevention and intervention plan at the board level and put it into legislation that kind of etches it in stone. I think that's where I have a problem with it.

The government motion, which we addressed and passed in number 49, proposes to incorporate bullying prevention and intervention plans into Bill 13 but not prescribe the individual elements in legislation or require the minister to approve it, which would be, first of all, a very onerous task, and it gives rise to a number of risks in having the minister sign off on each individual plan. The government motion proposes to set out elements through policy allowing for more flexibility and the ability to adapt to emerging and changing needs and circumstances and also to research and to evidence.

Where I think that this one, which is well thought out and well intentioned, falls short is how much of it is etched in stone. The ministry intends to seek advice from the ministry's expert panel on evidence-based elements to be included in the plan. In this vein, I would note that the Ontario Public School Boards' Association at standing committee recommended that elements of a bullying prevention and intervention plan be just what the government has proposed, which is evidence-based.

Those are some of the difficulties I have, and I would suggest that there's sufficient latitude and sufficient clout in the measures passed just before we adjourned for the recess.

1650

Ms. Lisa MacLeod: Chair, just to point out: The government is suggesting this is too prescriptive, yet other elements of the bill—namely, the naming of certain clubs—are also quite prescriptive. We feel—we've heard time and time again from the parents—that this is a very key component, that there must be accountability by the minister, by the principal, by the school board. They want the buck to stop somewhere. They have said consistently that they would like to see this type of process whereby there is a prevention and intervention plan that the minister is responsible for and that the minister

reviews and that the minister can amend or have the local board amend.

This is a fairly important amendment for us from Bill 14 into Bill 13. We feel that because it includes the descriptions of bullying in a prevention and intervention plan; established procedures for students, teachers and staff; and requires reporting of bullying, it says exactly what moms and dads came to committee to tell us.

From time to time I think—and this is what has been frustrating about the process. We had five days of hearings, and we had a number of people, those anti-bullying coalitions that helped Mrs. Witmer draft Bill 14 and then appeared before this committee to tell us we weren't doing enough as an assembly on certain protocols and procedures. Then, when we put forward those motions, we're either asked to remove them or the government says they've got a more strident plan.

I must say I don't agree. I think this is a very important amendment, one that ought to be supported by all. It is our duty to ensure that school boards across Ontario are following through with bullying prevention and intervention plans and that we protect all students. I think sometimes, in the past couple of weeks on this issue and others, the reason has been lost. Why we're here is to prevent bullying of all kinds, of all students, and the best way for us to do that is to equip the entire school community. That includes the student, it includes the teachers, it includes the principals, it includes the school board administrator, it includes the parents and the bullied and the bully. I think that's what is really important, and I think, from the early days of Bill 14, when Mrs. Witmer was still the MPP for Kitchener–Waterloo, this component was a key element that was very much admired by those who have been confronting bullying for many years.

I remind that David Millen—by the way, to the clerk, he has just sent us in his submission. He was at the forefront of anti-bullying campaigns in the city of Ottawa. It was unfortunate he wasn't able to come to committee. In any event, he points out that bullying just didn't happen right now. It has been over a period of time, and to suggest that we don't have evidence that bullying is occurring in our schools, I think, is a bit facile. I think it's intellectually dishonest, and I think we must admit that it is happening, regardless of whether some of the school boards want to or not, or if the minister wants to or not.

We'll be putting forward this motion in the hope that it will be passed, because we believe that that's how we can effect good progress in the schools, but also how we can effect change and make our students safer. We think this is critical. A cornerstone of our support for Bill 13 will be whether or not this amendment is passed, and we really would hope that this goes through.

The Chair (Mr. Ernie Hardeman): Any further discussion or debate?

Hearing none, I'll put the question on the amendment.

All those in favour? Opposed? The motion is lost.

Motion 51 is also a PC motion.

Ms. Lisa MacLeod: Do you want to do this one? There you go.

Mrs. Jane McKenna: Thanks. I move that the bill be amended by adding the following section:

"9.3 The act is amended by adding the following section:

"Reporting re bullying

"Principal's duty to report

"303.4(1) After a reasonable time after the last day of every school year, or more frequently if the board so requires, a principal shall prepare and submit to the board a report of,

"(a) the number of reports of an act of bullying in the school that the principal has received during the school year;

"(b) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, believed that an act of bullying had occurred; and

"(c) the number of cases, out of the reports mentioned in clause (a), in which the principal, after an investigation, contacted a law enforcement agency so that the agency could consider laying a criminal charge against the perpetrator of the act of bullying.

"Board's duty re report

"(2) After receiving a report under subsection (1), the board shall promptly forward the report to the minister.

"Minister's duty to report

"(3) The minister shall include the following information in the report referred to in section 3:

"1. The number of reports of an act of bullying that the minister has received from boards under subsection (2).

"2. The steps that the minister has taken in relation to bullying prevention and intervention in schools."

Rationale: The purpose of this motion is to hold the Minister of Education and school boards accountable for the effectiveness of their bullying prevention programs by requiring the collection and publication of bullying statistics.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Further debate? Mr. Delaney.

Mr. Bob Delaney: Thanks, Chair. I think this kind of carries through from the previous discussion that we had. What I'd like to put on the record on this one is to again appreciate the spirit in which it's offered, but I want to talk a little bit about logistics. This motion would require boards to report bullying incidents to the minister. In so doing, the motion would shift accountability and liability from the boards to the minister, and it could place an obligation on the minister to intervene and to take action, depending on what's contained in these reports—the minister, not the boards. So this would be counter to the current legal framework for education, in which the minister—and, through the minister, the ministry—provides leadership and sets the direction for education policy in elementary and secondary schools, but it's the school boards that are accountable for the implementation and results. So this turns that around, and this is the major problem that the government has with this motion.

This requirement would increase a principal's administrative workload, which would take away from their work to support student achievement and to do the other things required of a principal to maintain and develop a school. It may also divert attention from meaningful bullying prevention and also intervention efforts and activities. On this one, another issue I would have is that the ministry's current approach to data collection involves the collection of relevant data, such as suspensions and expulsions, to support a progressive discipline approach, but that would be very difficult to implement in such a data-heavy environment in which all of that volume of data flows for assessment not so much to the boards but to the ministry.

We have an additional government motion in number 55 that would provide policy authority for the minister to develop policies to require boards to collect information relating to behaviour, discipline and safety in schools. While I have a number of other comments, I just want to get right to the bottom line on it, which is that whether it's intended or not, the motion, as proposed, imposes a very significant workload and resource liability, particularly for rural and small boards. The unintended consequence would include diverting schools' attention from student achievement to the collection and reporting of data.

In this vein, organizations that didn't support this included the Ontario Public School Boards' Association and the Ontario Principals' Council. They did support those parts of Bill 13 that direct energy and resources to support students and to create a positive climate. So I would like to suggest that despite its intention, this creates an enormous logistical regimen and shifts a lot of the burden—where it should reside, which is with the school boards, and keep the problem as close to where the problem is—and shifts it all to the ministry, which in many cases can be an extended distance from where the problem actually lies.

The Chair (Mr. Ernie Hardeman): Okay. Further discussion?

Ms. Lisa MacLeod: Chair, I have some comments as well, but we are nine minutes to a vote and I probably will take up at least half of that.

The Chair (Mr. Ernie Hardeman): Okay. If you take half of the nine minutes, that won't leave enough time because I want to make sure we have five minutes to get there. So with that, we will reconvene right after the vote.

The committee recessed from 1701 to 1717.

The Chair (Mr. Ernie Hardeman): We're back, and we're debating motion number 52—

Interjections: Fifty-one.

The Chair (Mr. Ernie Hardeman): Fifty-one.

Ms. Lisa MacLeod: It's just wishful thinking, Chair.

The Chair (Mr. Ernie Hardeman): Okay, and we were going to Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Chair. Reporting re principal's duty to report has been something that has come up consistently since Bill 14 was

tabled. It will help compile instances of bullying and can inform the school community on a number of things. One is what types of bullying are occurring at the school and, I think as significantly, how to employ the right type of strategy for that community to alleviate the problem or get rid of it entirely.

We feel that this is necessary. Student safety ought to be paramount, and this should be a bill that is discussing student safety for all kids. The parliamentary assistant mentioned that we would be in a data-heavy environment. I respond to that by simply suggesting that the only way we're going to know about the instances and the types of bullying and the amount of bullying and who is doing the bullying is by taking statistics and creating a picture for the principal, the board as well as the minister on how we proceed.

The PA says, "Well, this is going to be too hard to implement." I find that passing strange and I find it quite odd that this would be something that we would be discussing right now given the backdrop of what's happening with Bill 13, the fact that the Minister of Training, Colleges and Universities said that this bill could go to court. We now have, I believe, one of the religious groups, the Catholic trustees, coming out today and saying this could be a charter challenge. I think that would probably be a bigger impediment to implementation than actually asking people to take statistics and report what's mentioned in terms of bullying and ensuring that the minister is taking the appropriate action.

I also reject the notion that the minister shouldn't be held accountable. In fact, I would say, if we don't support this motion, that the minister is shirking her responsibility to ensure student safety.

This is a minister, by the way—and I'm sorry; I'm going to get a bit political—who is telling students what they can and cannot eat at a cafeteria in grades 11 and 12, yet has no interest whatsoever in making sure that they're safe. I find that that's a very inconsistent approach to have, and I'm almost wondering if this motion is going to be defeated because it's coming from us and it's our idea. That's what has been frustrating with this process overall. We believe that the minister needs to take action with respect to student safety. We think that that's paramount. That's what we've heard time and again, and I will ask all of my colleagues to recall Mike Urry, Karen Sebben, Lynne MacIntyre, Lesa McDougall, Allan Hubley coming to committee and asking that a buck stop somewhere, that someone is held accountable because their kid was bullied. We had an in camera presentation. That was gripping.

Parents want to know who is responsible. If the minister is not prepared to take responsibility by ensuring that the appropriate data is collected and the instances of bullying are recorded and investigated, then I don't even know what we're doing here. This is what's important to us in trying to combat bullying: what is the root of it. You're going to find out if you take the data.

If that's an overload or data-heavy environment, as my colleague said, then so be it. Our job in this legislation is

to set the groundwork and the framework for student safety and protection. That requires us to know what the cause is of bullying, how long the bullying has been occurring, and compare that.

There might be schools, for example, that are doing a little bit better than other schools. I think that if we were able to use some comparative data and provide that to the minister of the day, we might be able to have a province-wide policy that could effect positive change.

That's our position, and it's a very strong one that has come from our caucus but also from the people that we have consulted with both during Bill 14 and its drafting and its tabling in the assembly as well as during the public consultation—those five days of public consultations, hearings where the public came in to talk to us. I place such great value on those anti-bullying coalitions and those desperate parents who came in here who have navigated the system, who have told us what is broken, who have told us what they need to work and who have told us that right now our system is failing them.

I think this goes a long way. Chair, I would encourage my colleagues to support this.

The Chair (Mr. Ernie Hardeman): Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Yes, with all due respect to my colleague, Mr. Chair, I just wanted to make a point that in terms of reporting practice, there are some amendments coming up. We all feel strongly that there should be reporting of some sort; it's not that we don't. We will be dealing with that shortly.

The Chair (Mr. Ernie Hardeman): Any further debate? Mr. Delaney.

Mr. Bob Delaney: Thanks, Chair. I just wanted to add a couple more comments to my colleague Ms. MacLeod. What we're trying to do is to see if you can take yes for an answer on this.

The government has actively been working with boards to ensure the accuracy of the data collected. Boards and schools are already required to report suspensions, expulsions and violent incidents. The information is posted online publicly. It's available for anyone to view.

Lifted pretty much from Bill 14 are measures to increase transparency. Statistics related to bullying will also be tracked. Also taken from Bill 14, the ministry will develop a model bullying prevention plan and regularly review that plan. As well, from Bill 14, the schools will make their plan publicly available, including posting on their websites. As well, from Bill 14, the boards must consult with their school communities to develop a bullying prevention plan. Finally, two points also taken from Bill 14: The boards must establish procedures for students and staff to report bullying and a procedure for the principals to investigate reports. As well, boards that—parents or guardians can follow if they've got concerns about the support provided to the child.

I think where we differ is the sheer volume of data that is proposed to land in the offices of the Ministry of Education, as opposed to the level at which we elect our representatives to manage, which is the local board. What

the government is saying is that you either believe in school boards, or you don't. If you believe in them, you allow them to do their work. If you, for one reason or another, don't allow them to do their work, it's hard to say that you believe in them.

In the measures proposed here, we're trying to say that we're taking the essence of Bill 14, the spirit of what the PC Party has recommended; we're trying to implement it at the local level of government, where it most appropriately applies, and trying to do so with an appropriate but not onerous level of data collection, software development and reporting.

The Chair (Mr. Ernie Hardeman): Ms. McKenna?

Mrs. Jane McKenna: So if we're doing it now, to me it's failing. As much as I respect everybody's opinion that has something to say in here, unless you've actually been through the process of it—you could understand the people who came here for the deputations and spoke and you heard the passion in their voices when they spoke about how frustrating it was that there wasn't any accountability. We have a responsibility to make it better. At this opportunity, we can make it better so it's a more effective system, because it is failing or you wouldn't have the people here saying what they were saying.

I can speak solely from having the situation myself that it is a broken system and we can do better. We are responsible adults in here that can pull together and do this and do the right thing. So I'm hoping, as part of this process, that we do the right thing, and I'm hoping that I can walk out with my head held high that we have done something that makes a difference for the people that have come in here passionately and want to have some accountability and transparency—for the buck to stop somewhere.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate on this amendment? If not, we'll call the question. All those in favour of the amendment? Opposed? The motion is lost.

Ms. Lisa MacLeod: What did you just say, Chair?

The Chair (Mr. Ernie Hardeman): Pardon?

Ms. Lisa MacLeod: What did you just say?

The Chair (Mr. Ernie Hardeman): The motion is lost.

Ms. Lisa MacLeod: I wanted to hear it again.

The Chair (Mr. Ernie Hardeman): Sometimes that happens. I don't say it quite as loud.

Ms. Lisa MacLeod: I just don't hear it enough.

The Chair (Mr. Ernie Hardeman): On section 9.3: Is there anything else in there that we don't have an amendment for that a committee member would like to speak to and change? If not, on section 9.4, PC amendment 52.

Ms. Lisa MacLeod: My colleague will read it.

The Chair (Mr. Ernie Hardeman): Mrs. McKenna?

Mrs. Jane McKenna: I'm still set back right here with what just transpired there, because I'm sad. I don't know if I'm cut out for this at times, because it's just heartbreaking that we can't make something better, but nevertheless.

I move that the bill be amended by adding the following section:

“9.4 The act is amended by adding the following section:

“Minister’s duty to post information

“303.5 After each school year, the minister shall post on the ministry’s website information about the amount spent by each board in the school year in respect of the programs described in paragraph 7.1 and 7.2 of subsection 170(1).”

Rationale: The purpose of this motion is to strengthen the proposed legislation, Bills 13 and 14, by requiring the Minister of Education to disclose how much is spent on remedial and professional development programs each year. This in turn will enhance the transparency and accountability of school boards’ bullying prevention programs, which the Auditor General indicated was sorely lacking in his 2010 report. This amendment was requested by Karen Sebben and by the London Anti-Bullying Coalition.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate on the motion? Mr. Delaney.

Mr. Bob Delaney: I have a bit of a problem with it, Chair. The motion would require the minister to post on the ministry’s website information about the amount spent by each board in the school year on specific programs listed in the act. So this would set a legislative precedent for the ministry to publicly report on board spending. That would be a lot like the federal government reporting on spending by the provincial government or the provincial government reporting on spending by the municipal government. The motion would not achieve the desired outcomes of value for money as there are a number of factors that influence both results and outcomes. For example, it would be very hard to account for the effort expended by community agencies and others that may be involved.

1730

The motion would also have what I think is an unintended impact, which is the shifting of accountability and liability from the boards to the minister, and it could place an obligation on the minister to intervene and take action on things that are very clearly within the boards’ scope of authority. This would be counter to the current legal framework for education in which the minister and the ministry provides leadership and sets the direction for education policy in elementary and secondary schools, but it’s the school boards that are accountable for the implementation, monitoring and results.

I understand what they’re trying to do, but I can’t agree with how they’re trying to do it.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: I think this is important. First, let me just give you some context here. Over a year ago, our caucus put forward something called the Truth in Government Act, meaning all the money that was spent from Queen’s Park to another level of our government—and I say “our government,” because they’re not autonomous in the Constitution, so, no, it’s not the same as the federal

government wanting to post money that they send to us, dollar by dollar. That’s not quite the same thing. A school board reports to the province, and I think we all know that they have no constitutional standing and they are at the whim of this assembly, as much as municipalities are creatures of the province.

We put forward the Truth in Government Act that would have said that money that came from the provincial treasury needed to be accounted for, because we’ve had a couple of scandals, notably eHealth, and now we have Ornge. Now, this particular amendment comes in so that we can ensure that those boards are spending the money that is intended for anti-bullying programs and so that we can ensure that it is spent effectively.

We’re not the only ones that believe in this measure in accountability. Karen Sebben who I believe is with the Peel region anti-bullying coalition, and the London Anti-Bullying Coalition have both requested that this accountability and transparency measure be included in the bill. Our caucus agrees. We feel that if you’re going to tackle bullying head on, you need to look at every facet, ensuring that every single resource sent to the school boards for the purpose of keeping students safe ought to be tracked.

Now, I understand that in many of these issues it appears that my colleagues opposite would like to place a cone around the minister, so that there’s only some things that she wants to be responsible for or that she’s responsible for, and everything else that she can’t be bothered with, she doesn’t have to deal with. We would certainly like to say that we believe—and I think one deputation said it and for the life of me I can’t remember—that this legislation ought to be timeless, that it should stand the test of time. We’ve got some pieces of legislation that have done that in the past. I’m thinking of the Magna Carta, the Canadian Constitution and others. I don’t see why we can’t have something that would stand the test of time and not be minister-specific. We believe that the best practice for school boards and for the Ministry of Education is to track those dollars and to ensure that they’re being spent effectively, and that that be posted on the website.

The one thing, and I’ve said this time and time again—the people that have come here want somebody to be held accountable if things don’t go their way. And by “their way,” I mean if their kid doesn’t feel safe at school. We’ve had parents that have come in to committee, and I know that it wasn’t just my breath that was taken away—others’ as well—when they would explain to us one of the instances of their child being bullied.

You’ve got to remember, we do this—we jump from legislation to legislation; in fact, we jump from portfolio to portfolio—but these folks that have come to committee are living this. As my colleague said, we have a chance to do this and get it right. One of the things that the anti-bullying advocates have told us time and again, Chair, in particular Karen Sebben, is that if we passed anti-bullying legislation and we don’t get it right, she doesn’t feel we’re going to address it again for a very long time.

With that, I encourage my colleague to try and find a way to make this work. This is a very important component of Bill 14, one that we feel is necessary in anti-bullying legislation if a law is to be passed.

The Chair (Mr. Ernie Hardeman): Okay. Any further debate on the issue? Yes, Ms. Damerla.

Ms. Dipika Damerla: I just wanted to respond more broadly to something MPP MacLeod said, which is I agree with her that something like the Magna Carta is timeless. But I think part of the secret of the success of things like the Magna Carta is they tend not to be too prescriptive. They're about timeless principles, but not about being too prescriptive. I think that's the discussion we're having here, about whether we're being too prescriptive, or do we let people who have the responsibility do the job they ought to by setting down the guidelines. I just wanted to mention that.

The Chair (Mr. Ernie Hardeman): Any further debate? Ms. McKenna.

Mrs. Jane McKenna: But at the end of the day, someone has to be accountable for something, and unless you've honestly gone through the process of it—and I'm not making anybody that hasn't been through it understand what I'm trying to say. Unless you've been through it—it's like your husband dying and someone saying they're sorry. Unless you've done it and been through it, you have no idea what the process is like.

All I'm saying, as an MPP and new in this situation, is I think we have a responsibility for people that are here that are speaking to us from their heart and soul saying that they would just like some accountability. They would like to know that the buck stops somewhere. We owe it to them because the process is broken, or they wouldn't be sitting here educating people. We all sat here and listened to them speak.

We are being descriptive because we're using the word "GSA"; that's descriptive. You can't be descriptive in one way and not descriptive in another.

For me, this is a brand new process, and I'm finding it a bit daunting and it saddens me. But anyway, continue on.

The Chair (Mr. Ernie Hardeman): Any further debate? If not, I'll call the question. All those in favour of the motion? All those opposed? The motion is lost.

That concludes section 9.3. Is there anything else in 9.3 that you don't have a motion for but you want to address?

Interjection.

The Chair (Mr. Ernie Hardeman): Section 9.4; that's the one. I'm getting behind myself here, I'm moving along so quickly.

Nothing further in 9.4?

There are no amendments for section 10. Any further discussions on 10?

Ms. Tracy MacCharles: Tomorrow?

The Chair (Mr. Ernie Hardeman): That would be tomorrow, yes. But if you had anything you wanted to address from Bill 14 too that you don't have an amendment in for, you could do that.

Mr. Bob Delaney: I think the next one that we have, Chair, is page number 55.

The Chair (Mr. Ernie Hardeman): Yes. Section 10.1, number 55 is a day one. Government?

Ms. Tracy MacCharles: I move that the bill be amended by adding the following section:

"10.1 The act is amended by adding the following section:

"Reporting re suspensions and expulsions

"Board's duty to report

"314.5(1) Every board shall submit annual reports to the minister, in accordance with the policies or guidelines under subsection 301(7.3), respecting suspensions and expulsions.

"Minister's duty to post information

"(2) After receiving the reports required by subsection (1), the minister shall post on the ministry's website information about the number of reported suspensions and expulsions."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: It's just a fairly quick amendment that actually I think addresses some of the points brought up by Ms. MacLeod and Ms. McKenna. The motion would require boards to submit annual reports to the minister on suspension and expulsion data. The minister would be required to post information on the number of reported suspensions and expulsions on the ministry's website, and the motion would make the current practice a legislative requirement.

1740

The collection of relevant information is very important for transparency and accountability. It responds to some of the stakeholders' recommendations, particularly those of the anti-bullying coalitions and also the Ontario Public School Boards' Association.

The Accepting Schools expert panel will be asked to provide advice on an evaluation framework, including other possible data, and an additional government motion would provide policy authority for the minister to develop policies to require boards to collect information relating to behaviour, discipline and safety in schools.

So, in essence, what this and other motions are attempting to do is, at the local board level, largely what my PC colleagues have just asked us.

The Chair (Mr. Ernie Hardeman): Further discussion?

Ms. Lisa MacLeod: Chair, we simply don't feel that this goes far enough. It's not essentially what we have just asked them. It's significantly watered down. Had it been what we had just asked them, they would have supported our motion. They chose not to. Ours was part of Bill 14. We believe it's tough. We believe that instances of bullying and harassment need to be tracked and that the minister and the boards ought to be accountable.

This talks about suspensions and expulsions. In a subsequent motion, the one that we just debated, we had talked about ensuring that the minister shall post on the ministry's website. Then, of course, they don't want to

legislate a precedent like that, but they're pleased to do it here on the number of reported suspensions and expulsions.

We have a fundamental problem. This is watered down; it's not strong enough. The parents told us they need it to be stronger. We've asked for it to be stronger. Our motion to make it stronger was defeated. I think I speak for my colleague; I'm disappointed. Would you like to make a further comment on this?

Mrs. Jane McKenna: I'm just very disappointed in the outcome of it, but like we said, we will support it. But it's heartbreaking to me to continue on with this process when it's going the way it's going.

The Chair (Mr. Ernie Hardeman): Thank you. Any further discussion? If not, I'll call the question.

All those in favour of the motion? Opposed? The motion's carried.

Number 56, section 10.1, a motion from the New Democratic Party.

Mr. Peter Tabuns: Chair, we withdraw the motion.

The Chair (Mr. Ernie Hardeman): Withdraw?

Mr. Peter Tabuns: Yes.

The Chair (Mr. Ernie Hardeman): There are no amendments to up to section 12. Is there any discussion or anything that needs to be added other than the amendments that were put forward up to section 12?

If not, in section 12, we have PC motion 59.

Ms. Lisa MacLeod: I move that section 12 of the bill be struck out and the following substituted:

"Short title

"12. The short title of this act is the Anti-Bullying Act, 2012."

The purpose of this motion is to rename the proposed legislation, Bill 13, to the Anti-Bullying Act to reflect the intended purpose of the bill, which is to combat bullying in our schools.

The Chair (Mr. Ernie Hardeman): You've heard the motion put forward. Any further discussion?

If not, all those in favour, say "aye." All those opposed, say "nay."

Ms. Lisa MacLeod: You even vote against my name change? Delaney, I thought we were friends.

The Chair (Mr. Ernie Hardeman): It's reasonable to say there's some dissension.

That is all the changes. Going back to the ones that we stood down on the way through: Number 32 is the first one.

Mr. Peter Tabuns: No, Chair.

Ms. Cheri DiNovo: Number 3, is it not?

The Chair (Mr. Ernie Hardeman): Number 3?

Ms. Cheri DiNovo: Yes. Don't we go back to the beginning on day 2?

The Chair (Mr. Ernie Hardeman): Those are day 2s. We're going back to the ones we stood down from day 1.

Ms. Cheri DiNovo: Oh, we are first? Okay. Sorry, which one was it again?

The Chair (Mr. Ernie Hardeman): The first one is motion 32. It's a PC motion that was put forward by the

PCs. Did you want to re-put it into the record and speak to the motion?

Ms. Lisa MacLeod: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be struck out.

The purpose of this was to have removed a section of the government's legislation, Bill 13. It was made obsolete by another PC motion that specifically outlined policies and guidelines in respect to bullying prevention and intervention in schools.

That said, Chair, the Liberals defeated our motion, so I guess we should have it withdrawn. It's out of order.

The Chair (Mr. Ernie Hardeman): So this one is out of order now.

Ms. Lisa MacLeod: As much as it pains me to say.

The Chair (Mr. Ernie Hardeman): You can withdraw it now, or we can rule it out of order.

Ms. Lisa MacLeod: I'll withdraw it.

The Chair (Mr. Ernie Hardeman): Okay. Which is the next one—35? A government motion.

Ms. Tracy MacCharles: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill be amended by,

(1) striking out clauses (b) and (c) and substituting the following:

"(b) resources to support pupils who have been bullied;

"(b.1) strategies to support pupils who witness incidents of bullying;

"(c) resources to support pupils who have engaged in bullying;"

(2) adding the following clauses:

"(d.1) procedures that allow parents and guardians and other persons to report incidents of bullying;

"(g) matters to be addressed in bullying prevention and intervention plans established by boards under section 303.3."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, I'll put the question. All those in favour? Opposed? The motion is carried.

Thirty-seven: a government motion.

Ms. Tracy MacCharles: I move that subsection 7(4) of the bill be amended by adding the following subsections to section 301 of the Education Act:

"Same, collection of information

"(7.2) The minister may establish policies and guidelines requiring boards to collect specified information relating to behaviour, discipline and safety in schools.

"Same, s. 314.5 reports

"(7.3) The minister may establish policies and guidelines with respect to the reports required under subsection 314.5(1), including policies and guidelines respecting the form and content of the reports and the times at which they must be submitted."

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney.

Mr. Bob Delaney: Just a very quick comment: These are ideas lifted almost completely from Bill 14. They're very similar to PC amendments made earlier. It provides the minister with the authority to collect information

related to behaviour, discipline and safety in schools, and it acknowledges that the collection of data is important for transparency and accountability. We're hoping that our colleagues will take yes for an answer on this one.

1750

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour? Opposed? The motion is carried.

The next one is 38, a PC Party motion. Ms. McKenna?

Mrs. Jane McKenna: I move that subsection 8(2) of the bill be struck out.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? Mr. Delaney?

Mr. Bob Delaney: The difficulty here is that this motion would remove all board policy requirements to establish bullying prevention and intervention plans. The motion would also remove Bill 13's provision giving power to the boards to establish policies and guidelines with respect to bullying prevention and intervention. Given what we've already debated at the moment, with the greatest of respect, it isn't consistent with the balance of the bill and we would oppose it.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour of the motion? Opposed? The motion is lost.

We now start the day 2. We have eight minutes, so unless you talk really fast, I would be surprised if you get through the whole thing, but let's not waste time.

Section 1, we have NDP motion 3.

Ms. Cheri DiNovo: I move that the definition of "bullying" in subsection 1(1) of the Education Act, as set out in subsection 1(1) of the bill, be amended by adding "gender identity, gender expression" after "gender".

Perhaps I could just add to that. This is pretty self-explanatory, but it's essentially extending the scope of the bill beyond sexual orientation to trans folk generally.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Further debate?

If not, all those in favour of the amendment? Opposed? The motion is carried.

That concludes all the amendments in section 1.

Shall section 1, as amended, carry? Carried.

The first motion is NDP, section 2, motion number 8.

Mr. Peter Tabuns: Withdrawn, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Number 8 is withdrawn.

PC motion 11.

Ms. Lisa MacLeod: I move that section 2 of the bill be amended by adding the following subsection:

"(4) Section 8 of the act is amended by adding the following subsection:

"Para. 31 of subs. (1) policies and guidelines

"(2.2) No policy or guideline established under paragraph 31 of subsection (1) may,

"(a) require boards to use specified language in the surveys referred to in subsection 169.1(2.1); or

"(b) require boards to include content in the surveys that would adversely affect any right or privilege guaranteed by section 93 of the Constitution Act, 1867."

The purpose of this motion is to ensure that student surveys proposed by the government's legislation do not adversely affect rights of those enfranchised in the Constitution under section 93. We've talked a bit about the Charter of Rights and Freedoms and the Constitution earlier today, a timeless piece of legislation, and we want to ensure that no rights are infringed upon.

The Chair (Mr. Ernie Hardeman): Okay, you've heard the motion. Further debate? No further debate? All those in favour of the motion? All those opposed to the motion? The motion is lost.

That concludes all the amendments in section 2. Shall section 2 carry?

Mr. Bob Delaney: As amended, or—

The Chair (Mr. Ernie Hardeman): It didn't get amended.

Mr. Bob Delaney: Then carried.

Ms. Lisa MacLeod: One moment, please. Are we able to vote now on section—

The Chair (Mr. Ernie Hardeman): Yes. We've started with section—we did section 1 and this is section 2. We're voting on section 2.

Ms. Lisa MacLeod: Okay.

The Chair (Mr. Ernie Hardeman): We had two amendments for day one in section 2 and we had two amendments—one was withdrawn for day two and the other one was lost, so in fact there were no amendments to section 2. The question is the vote on section 2.

Any further debate on section 2? If not, all those in favour of section 2? Opposed? The motion is carried.

Section 3, NDP motion number 12.

Ms. Cheri DiNovo: I move that clause 169.1(1)(a.1) of the Education Act, as set out in subsection 3(1) of the bill, be amended by adding "gender identity, gender expression" after "sexual orientation".

Again, the same as the other motion, extending these rights to trans students as well.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Any further discussion on motion 12? If not, all those in favour? Opposed? The motion is carried.

Number 13, and that will conclude today.

Mr. Peter Tabuns: Number 13? Chair, withdrawn.

The Chair (Mr. Ernie Hardeman): Well, that's a good way to end the day.

Mr. Peter Tabuns: You know, I've been trying to make you happy all day, Mr. Chair, and finally I've succeeded.

The Chair (Mr. Ernie Hardeman): I'm just amazed that every time the third party turns it over to you, Peter, you withdraw the amendment.

Mr. Peter Tabuns: It's so unlike me, Chair, if you've ever been stuck in committee with me before.

The Chair (Mr. Ernie Hardeman): Thank you again. That concludes the hearing for today, and we will reconvene here tomorrow at 4 o'clock.

The committee adjourned at 1759.

CONTENTS

Monday 28 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten; Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-221
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SP-11



SP-11

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Tuesday 29 May 2012

Journal des débats (Hansard)

Mardi 29 mai 2012

Standing Committee on Social Policy

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

Comité permanent de la politique sociale

Loi de 2012 pour
des écoles tolérantes

Loi de 2012 sur la lutte
contre l'intimidation



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 29 May 2012

Mardi 29 mai 2012

The committee met at 1601 in committee room 1.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): Good afternoon. I thank the members of the committee for being here. This afternoon, we're going to resume the clause-by-clause consideration of Bill 13.

For everybody to know where we're going to start from, it will be resolution number 14 in section 3. We concluded 13 yesterday afternoon, and so today will be 14. Number 14 is a government motion, so we'll turn it over to the government to present the motion.

Ms. Tracy MacCharles: Thank you, Chair. I move that subsections 169.1(2.1) and (2.2) of the Education Act, as set out in subsection 3(2) of the bill, be amended by,

- (a) adding "and staff, and parents and guardians of its pupils" in subsection (2.1) after "pupils";
- (b) striking out "from pupils" in subsection (2.2); and
- (c) striking out "pupil" at the end of subsection (2.2) and substituting "person".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Any questions or comments on the amendment? Seeing none, I'll put the question. All those in favour of the amendment? Opposed? The motion's carried.

That concludes all the amendments in section 3.

Shall section 3, as amended, carry? Discussion?

Interjections: Carried.

The Chair (Mr. Ernie Hardeman): Carried, even ahead of the discussion.

Section 3, carried.

Section 3.1: There were two amendments to it, but there are no amendments left to be discussed in it.

Shall section 3.1, as amended, carry? Carried.

Section 3.2 has no amendments. The only amendment that was in it was withdrawn.

Shall section 3.2 carry?

Interjections: Carried.

The Chair (Mr. Ernie Hardeman): Take your "carried" back. It was a totally new section and it didn't get in at all, so it will not exist in the bill.

Mr. Bob Delaney: Un-carried.

The Chair (Mr. Ernie Hardeman): Un-carried.

Section 4: There are three amendments in section 4. The first one is number 18, and the NDP.

Ms. Cheri DiNovo: I move that paragraph 2 of section 300.0.1 of the Education Act, as set out in section 4 of the bill, be amended by adding "transphobia or biphobia" at the end.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? No discussion?

All those in favour of the motion?

Mr. Bob Delaney: Can we have a recorded vote, please?

The Chair (Mr. Ernie Hardeman): A recorded vote has been requested.

Ayes

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The motion's carried.

The second one is government motion number 19. Ms. MacCharles? No? Mr. Delaney? Ms. MacCharles? Mr. Delaney?

Mr. Bob Delaney: Hold on.

The Chair (Mr. Ernie Hardeman): Well, the light keeps changing.

Mr. Bob Delaney: Yes. I believe, Chair, that this one is withdrawn.

Mr. Peter Tabuns: Redundant.

Mr. Bob Delaney: Yes.

The Chair (Mr. Ernie Hardeman): Okay, 18 and 19 are the same. So I guess the government is then out of order.

The next one is the New Democrats at number 20.

Mr. Peter Tabuns: Withdrawn, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Withdrawn. That's all the amendments in section 4.

Shall section 4, as amended, carry? The motion is carried.

Section 5 has no amendments in it. Any discussion on section 5? If not, shall section 5 carry? Section 5, carried.

Section 6, motion 21, a New Democratic motion on section 6.

Mr. Peter Tabuns: It's now redundant because of a previously passed motion and is withdrawn.

The Chair (Mr. Ernie Hardeman): Okay, so 21 is out. The other two amendments were carried.

Shall section 6, as amended, carry?

Ms. Lisa MacLeod: Chair?

The Chair (Mr. Ernie Hardeman): Yes?

Ms. Lisa MacLeod: We have a motion for 6.3. Number 27.

The Chair (Mr. Ernie Hardeman): That's a different section.

Ms. Lisa MacLeod: Okay.

Ms. Dipika Damerla: What number?

The Chair (Mr. Ernie Hardeman): This is section 6. The next one is section 6.1.

Interjection.

The Chair (Mr. Ernie Hardeman): Section 6.1 is numbers 24 and 25 motions. One was carried and the other is withdrawn. They were both passed yesterday but the section is not complete yet, so the question we're putting now is, shall section 6.1, as amended, carry? The motion is carried.

Section 6.2 has been withdrawn.

We're now at 6.3, PC motion 27.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

"6.3. The act is amended by adding the following section:

"Teacher supervision or monitoring to prevent bullying

"300.7. A principal may assign a teacher to supervise or monitor any pupil of the school for the purpose of preventing bullying."

The rationale, Chair, is quite clear. We heard from the principals' council that they need the authority to assign teachers to supervise or to monitor students in school during recess or at lunch in order to prevent incidences of bullying and to keep students safe.

Presently, teachers' collective bargaining agreements restrict a principal's ability to assign teachers to super-

vise or monitor students. Since 2003, the amount of time teachers are required to supervise students has been dramatically reduced. This specific amendment, as I said, was requested by principals.

Chair, I know they mentioned it here, but we also heard from a number of parent delegations that were equally as concerned that the supervision time had gone down and that there needed to be a lot more flexibility on the part of the principal to make those assignments.

In addition, Chair, it has been well known that my caucus has supported increased reporting, tracking and investigation of incidences of bullying. All of our amendments yesterday, with the exception of cyberbullying, were voted down, and we believe that this bill is now watered down. The government could redeem itself today if they were to support this motion on 6.3 on teacher supervision or monitoring to prevent bullying. We think that that is a key way to combat bullying in Ontario schools and to keep kids safe, so that there is always an adult either in the hallway or on the playground. I can't reiterate enough how important that was to many of the anti-bullying coalitions when they appeared before committee.

1610

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, I understand the point that Ms. MacLeod is trying to make. It's actually the wording here that leaves us with a major problem: "to supervise or monitor any pupil of the school for the purpose of preventing bullying." It's very broad and is very open to interpretation. Almost inevitably, such a clause would be applied differently across boards and schools and almost certainly different from day to day and student to student.

As written, the motion appears to require teachers, or allow the principal to require teachers, to undertake surveillance of students—again, I'm not sure; it may or may not be the intent—but to do things that are not within their job description. I'm a little worried about, from the vantage point of the student—you know, does the student then have to be worried about a teacher who may or may not be assigned to supervise or monitor that pupil or another pupil? It's the broadness that suggests to me that while I understand what the member is trying to do, it just seems to be unworkable in practice. As such, I'm afraid I can't support it.

The Chair (Mr. Ernie Hardeman): Further—yes, Ms. MacLeod.

Ms. Lisa MacLeod: I'd just like to—further debate. I'd like to add that what we have heard consistently from anti-bullying advocates and parents is that they want more accountability. They don't feel, for example, that that is presently being done in our education system. They're also very concerned that without more supervision and monitoring in our schools, this problem will continue to worsen. So the government has an opportunity, I believe, to take a firm stand to protect all students and ensure that there is appropriate supervision, based on the guidance and advice of the principal in the

school, to ensure that our students are safe and, more than anything, to prevent instances of bullying.

This comes up all the time, that a key component of protecting students and keeping them safe is to ensure that there is adult supervision. It's quite a deterrent. It also ensures that if there is an incident, the appropriate response is done; and when we talk about, and which is absent from the government bill, the need for restorative justice or other programs, that those are in place and they're followed through immediately so that we're able to ensure that those students get the response that they need and their parents are notified. This is a key component of that transparency and accountability piece of Bill 14, and which we heard at committee is one of the recommendations.

You know, I have a real problem with the amount of presenters who have appeared before committee having their voices effectively ignored. This was a key issue for a lot of people, ensuring that an adult person in the school community would be available, preventing any further instances of this.

Anyway, I put that out there. I'll be seeking a recorded vote on this, and I'm hopeful that my colleagues will endorse this.

The Chair (Mr. Ernie Hardeman): Further discussion? A recorded vote has been requested.

Ayes

MacLeod, McKenna.

Nays

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The motion is lost.

Shall section—oh, we don't need to vote on the section; there is no section left with that amendment not there.

Ms. Lisa MacLeod: Darn. Let's have a vote anyway.

Mr. Bob Delaney: That's a non-vote.

Ms. Lisa MacLeod: Chair, I do notice that we're close on the clock for the vote.

The Chair (Mr. Ernie Hardeman): How close are we?

Interjections.

Ms. Lisa MacLeod: I don't think we can. I have a lot to say on this one.

The Chair (Mr. Ernie Hardeman): Well, we've got a little more time. We can do one more.

Ms. Lisa MacLeod: Okay. Subsection 7(2), Chair.

The Chair (Mr. Ernie Hardeman): Section 7. The first motion is a PC motion.

Ms. Lisa MacLeod: I move that subsection 7(2) of the bill be amended by adding the following subsection to section 301 of the Education Act:

"Same

"(3.2) A board shall not include in an agreement described in subsection (3.1) any requirement that would adversely affect any right or privilege guaranteed by section 2 or 15 of the Canadian Charter of Rights and Freedoms."

The purpose of this motion is to reaffirm the right and freedom of Canadians to gather for religious purposes and not to be discriminated against for doing so. This motion is being brought forward to address the concern of religious groups that appeared before committee that believe Bill 13 would prevent them from using or renting school space at night or on weekends. We're bringing this amendment forward because this is of considerable concern to many of the faith-based communities. Particularly, I have a high-growth community, Chair, as you well know, that has a very large agricultural community but also a very high-growth area, one of the fastest-growing communities in all of Ontario. As a result, it has brought in a great deal of people practising various faiths and they are not able to get their mosque or their synagogue or their church built, either due to lack of funds at the time or simply because they are new and they're scouting for land.

In any event, I've been in these large suburban rural ridings. You're often invited to community events, and from time to time I visit these folks, whether it's their 10th anniversary or a notable member of the community has been invited to speak and you go, and it occurs to me, having had some discussions from these folks who have contacted us, that they're nervous that the Saturday hall rental or the Sunday hall rental that they have done consistently for many years now is in jeopardy as a result of Bill 13.

It's a concern that I have too, because we do have, of course, the Charter of Rights and Freedoms that was brought in by Pierre Elliott Trudeau when there was the repatriation of the Canadian Constitution, and we have a number of rights laid out there that are the foundation of how this country is governed and how people in our country are protected with their own freedoms and liberties.

I would ask my colleagues to consider supporting this motion and this subsection because, quite frankly, the Canadian Charter of Rights and Freedoms is that foundational document for all Ontarians and all Canadians, and I would find it very difficult to accept if this committee were to, yet again, vote against rights prescribed in the Charter of Rights and Freedoms. Of course, yesterday one of the PC motions that was put forward to uphold the Charter of Rights and Freedoms was struck down or blocked by the Liberals, and it's very clear to us that this is important to a number of people in our communities, faith-based or otherwise. I think it would send a very strong signal if my colleagues were to support this motion.

The Chair (Mr. Ernie Hardeman): Okay. Further debate? Yes, Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. The thing about the proposal here is that the provincial code of conduct already sets out standards of behaviour for all members

of the school community, and in fact, the code helps to ensure that all members of the school community are treated with the respect and the dignity proposed by this amendment, that everyone's ideas and opinions are respected, and that all members of the community follow all applicable laws. I don't wish to pronounce editorial judgement on it, but that ground proposed by the amendment seems already to have been covered. I would just like to conclude by saying that by specifying only sections 2 and 15 of the charter, the motion would promote religious freedoms and freedoms of expression of thought or belief over other rights in the charter, which is not its intention, but it is its effect. We do know that the Ontario Human Rights Commission points out that there is no hierarchy of rights and in fact that no right is absolute. So as it's, first of all, covered in the provincial code of conduct and, secondly, doesn't appear to be workable in practice, the government will reluctantly say no to this one.

The Chair (Mr. Ernie Hardeman): Any further debate on this one?

Mr. Peter Tabuns: I understand the reason that the member has brought forward the amendment in the first place. We all sat through the hearings. We heard the presentations. Many people, concerned about ensuring that their place of worship would continue to be their place of worship, expressed concerns, fears.

The simple reality is that the Charter of Rights and Freedoms is in effect whether this is in the text of the law or not. I just want it to be noted on the record that we recognize that the Charter of Rights and Freedoms applies, that those engaged in worship will continue to engage in worship whether this law is passed or not. For that reason, although I understand the principle in the amendment, I see it as redundant to what has to be done today.

The Chair (Mr. Ernie Hardeman): I'm going to have to cut the debate off there. We will come back, and if there's further debate on this one, we'll have that, and if not, we'll vote on it when we return. So we stand recessed until the vote is complete.

The committee recessed from 1621 to 1634.

The Chair (Mr. Ernie Hardeman): We're back, and I think we were debating resolution number 28. Ms. McKenna?

Mrs. Jane McKenna: If all that you have in your life is your word, I feel that I have totally let so many people down who came in here to speak for these deputations. I think we had 90 in total; I think that's where we were at. I not only did not sleep last night, just because this is the first time around, but I'm still dumbfounded today, because if we can't uphold the Charter of Rights and do what the people have asked us to do, then what is the purpose of what we're doing? I'm not naive to think that—we have a process here, but what I thought we were doing here together by amending 14 and 13 has been totally different than what my expectations were, so I'd just like to say that. Thank you.

Ms. Lisa MacLeod: Just quickly, Chair, to wrap up.

The Chair (Mr. Ernie Hardeman): Further comments? Yes, Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Chair, and I do appreciate the comments from the other members of the committee.

I think, and to Mr. Tabuns's point that he believes this is redundant, there are other parts of this legislation that others feel may be redundant as well. However, there is a great deal of fear from those who are presently renting school auditoriums or gyms who are concerned that that won't apply to them any longer. I simply think that we should in good faith here reaffirm the right and freedom for Canadians to gather for religious purposes and so that they aren't discriminated.

This has come up so often, and I don't understand why those deputants—many of them had reasonable requests—have to be ignored. This is a base example of why there has been so much controversy and divisiveness around the bill: It appears that those church-going people or mosque-going people or synagogue-going people are not going to be able to attend their religious service. They're not all lucky like I am to be able to go to the Presbyterian church in Manotick that has been there since 1926 and to be able to participate in a service.

I can think of the south Nepean Muslim community right now, who rent public space because at this point in time they're still raising money for a mosque in Barrhaven in my community, and I think if they needed to rent space, I would want to make sure that their right to practise their religion was there. The same thing—I know that the Sequoia church and the Gathering, one in Barrhaven and one in Riverside South, depend on renting, in some cases, Catholic schools in my community so that they can continue on with their services.

I think it ought to be known that in some of our communities outside of Toronto—I think I'm probably the only person here from outside of the GTA or the Golden Horseshoe, with exception of you, Chair—

Ms. Tracy MacCharles: I'm from Durham.

Ms. Lisa MacLeod: Okay. Our schools in our communities are often community hubs, the first place people go to rent, because there aren't any other facilities. And if there seems to be—I'll say this. I think there's actually a chill as a result of this bill with those religious communities, that they feel they won't be able to access these types of public facilities if this bill passes as it is.

So we're simply, in our caucus, just asking for some acknowledgement of that concern and to reaffirm that the rights and freedoms of those folks wouldn't be adversely affected. Let's remember, these people are going to rent facilities on a Saturday or a Sunday, when typically students wouldn't be there. Many of these community organizations, these churches that I have encountered in my community, have given an awful lot back to the community as well, whether that's to a local food bank or to a children's charitable organization, and may need the facility for that purpose. I think the chill that's being cast as a result of this bill on this policy speaks to the need for us to acknowledge that there are Ontarians of many faiths

who do require us to at least protect their charter rights and freedoms. I'm simply surprised that the foundational document of the repatriated Constitution will be ignored by this committee. As a result, Chair, I'll be seeking a recorded vote on this amendment.

1640

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate? Yes, Ms. DiNovo?

Ms. Cheri DiNovo: Yes, I just wanted to respond to some of my colleague's concerns on behalf of the New Democratic Party. I know that there was some misinformation certainly that was going around religious communities and that we heard in some of the testimony that came before us, but I just wanted to reassure those groups that, again, they are covered by the Charter of Rights and Freedoms, that this will not affect their worship. I say that as a United Church minister of many, many years, as part of the largest Protestant denomination in Canada.

So I wanted to send that reassurance out to my colleagues in the religious world as well and just say again that setting out two pieces of the charter, I think in fact—I'm not sure that this wouldn't be *ultra vires*. I don't think we can even do this, but it certainly isn't necessary in this instance. Thanks, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further discussion?

Ms. Dipika Damerla: Chair, I'd just like to be on record as saying that I definitely support the Charter of Rights and Freedoms, including the freedom of religion. So I want to assure everybody that definitely my support is there for this, but I do believe that this particular amendment is redundant because the fact is, all of our laws are covered by the Charter of Rights and Freedoms, so it's really redundant. I just want that read in.

The Chair (Mr. Ernie Hardeman): Thank you. Any further debate?

Mrs. Jane McKenna: I guess my question, listening to Ms. DiNovo, is, if they are, then what's the problem with putting it in? I'm confused with that. I know I'm new at this, but if it is there and it's—because you can't leave anything to chance. So if it is there and that's what it is, why aren't we putting it in, I guess is my question.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo?

Ms. Cheri DiNovo: Well, it's redundant by definition, but also it's more than that, Mr. Chair. It highlights, as was pointed out by Mr. Delaney, two sections of the Canadian Charter of Rights and Freedoms and not the rest of it. So, in that section, it elevates two parts of the charter and not the rest of it, which I would say isn't only redundant but is probably—I think the term is "*ultra vires*." It's probably outside of our jurisdiction to do.

The Chair (Mr. Ernie Hardeman): Okay? Any further debate?

Mr. Bob Delaney: Chair, I want to thank everybody for their contributions on this one. I guess what I hope is the concluding comment: You either have a charter or you don't, and if you have a charter, it either covers everyone all the time or it doesn't, and if it does, there's no point in trying to supersede it.

The Chair (Mr. Ernie Hardeman): Any further discussion?

Ms. Lisa MacLeod: Yes, Chair, just two quick comments. The first one is, if there's concern that only sections 2 and 15 of the Charter of Rights and Freedoms are being included, then perhaps a friendly amendment is in order, if I can get the Liberal and NDP support: "A board shall not include in an agreement described in subsection (3.1) any requirement that would adversely affect any right or privilege guaranteed by any section of the Charter of Rights and Freedoms." I would be happy to amend my own amendment.

The Chair (Mr. Ernie Hardeman): An amendment to this amendment would be out of order. That would have had to have been done the last—as it was put in.

Ms. Lisa MacLeod: I see. Well, just the final point. We did have the Human Rights Commissioner of Ontario come in, who had suggested that, number one, the Human Rights Code of Ontario was the highest law of the land—she was the arbiter of the highest law of the land—that bullying qualified as harassment under the code, and that all groups are protected under the code, including many of those in the Charter of Rights and Freedoms, yet we're seeming to proceed on another matter.

I find the government's argument here is quite lacking. I think the matter that they suggest it's redundant is a cop-out. It has been suggested by many of the faith-based groups that appeared here that there is going to be a chill in renting public facilities. I'm not confident with just a wink and a nod from the Liberal government that they're going to be able to continue to rent those facilities.

For example, regardless of which religion it is, the fact is they're actually a group that wants to rent a community space, which is a school, which provides revenue to the board. At a time of financial austerity, you'd think we'd be trying to make ways in order to maintain that revenue stream, not to exclude it. What simply concerns my colleagues and I is denying, or the possibility of denying, one group that has previously enjoyed our Charter of Rights and Freedoms from continuing to enjoy those charter rights and freedoms.

We already have one minister of the crown suggesting that this legislation could go to court. If that is indeed the case and this government is sort of throwing out any attempt to reaffirm rights and freedoms under the charter, I'd be very concerned. But this is certainly something that has come up in Ontario across many of our communities, and it's one that I think needs to be addressed.

Again, I implore my colleagues, I beg of them, to consider enfranchising these groups and not casting a chill on the potential to rent those facilities but create a welcoming environment for people of all faiths, particularly, as I said, in my community, the Jewish community and the Muslim community as well as the Pentecostal community, who don't have those places of worship that extend into 100 or so years.

Chair, I would be seeking at this point in time, if possible, a recorded vote on this matter.

The Chair (Mr. Ernie Hardeman): Okay. If there's no further debate, then this would be the time to put the question. A recorded vote has been requested.

Ayes

MacLeod, McKenna.

Nays

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The amendment is lost.

The next amendment is NDP number 29.

Mr. Peter Tabuns: I move that subsection 301(6) of the Education Act, as set out in subsection 7(3) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Same, governing discipline

"(6) The minister shall establish policies and guidelines with respect to disciplining pupils, which must include policies and guidelines respecting,"

Chair, I simply amend this by changing "may" to "shall."

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Discussion? Yes, Ms. MacLeod?

Ms. Lisa MacLeod: Chair, I appreciate where the NDP are going with this. It's as signified by many of those deputants who did appear before committee. They had suggested that we should remove the word "may" from the document and do it towards "shall." I just simply want it on the record that our caucus believes that throughout this document there needs to be more accountability and ownership by the government on this matter. I appreciate where the New Democrats are coming from on this. I think it's important, and we look forward to the vote on this.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour? All those opposed? The motion is carried.

The next amendment is amendment number 30, the New Democratic Party.

Ms. Cheri DiNovo: I move that subclause 301(6)(a)(i) of the Education Act, as set out in subsection 7(3) of the bill, be amended by adding "transphobia or biphobia" at the end.

This again is in line with the other amendments that we've tabled, in the New Democratic Party, to make this bill more inclusive.

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Any discussion?

Ms. Lisa MacLeod: Just a quick point of order, Chair—can I have a quick point of order? We're now at 10 to 5, and how are we proceeding at 5 p.m.? I think something was mentioned to us briefly yesterday about going—

The Chair (Mr. Ernie Hardeman): I believe that at 5 o'clock, all the motions that have not been dealt with will be put to the committee.

Mr. Peter Tabuns: One after the other.

Ms. Lisa MacLeod: So we're just going straight vote by vote?

The Chair (Mr. Ernie Hardeman): There will be no further debate on the amendments.

Ms. Lisa MacLeod: There's no further debate?

The Chair (Mr. Ernie Hardeman): No.

Ms. Lisa MacLeod: Okay. No, I wasn't sure of that. As I said to my colleague Mr. Tabuns, I usually spend my time on the Legislative Assembly committee or government agencies, where we don't do a lot of clause-by-clause, so I just wanted to be very clear on that, Chair.

The Chair (Mr. Ernie Hardeman): We're now at amendment number 30.

Ms. Lisa MacLeod: Okay, we're on—

The Chair (Mr. Ernie Hardeman): Amendment number 30, the New Democratic motion that was just read. Any discussion on the motion? If not, all those in favour? Opposed. The motion's carried.

We have time for one more: government motion number 31.

Mr. Bob Delaney: Chair, I believe that 31 is now redundant and should be withdrawn.

The Chair (Mr. Ernie Hardeman): What was that? Withdrawn?

Mr. Bob Delaney: I believe that number 31 is now redundant and should be withdrawn.

The Chair (Mr. Ernie Hardeman): The next one is number 33. It's stood down.

Ms. Lisa MacLeod: Chair, can we deal with amendment 32? I believe we had that—or did we do that last night? My staff member just passed—thank you, you're the best.

The Chair (Mr. Ernie Hardeman): Amendment 32 has been withdrawn.

Mr. Bob Delaney: You would have to un-withdraw it in order to re-withdraw it.

Ms. Lisa MacLeod: It was just passed to me.

The Chair (Mr. Ernie Hardeman): Motion 33 is the NDP. We've got time to read this one into the record, yes.

Mr. Peter Tabuns: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

"Same, bullying

"(7.1) The minister shall establish policies and guidelines with respect to bullying prevention and intervention in schools, which must include policies and guidelines respecting,"

Again, Chair, I've changed "may" to "shall"—not I; the NDP has changed "may" to "shall." I'd say this is consistent with positions that the Conservative Party has put forward and I think it strengthens the bill.

The Chair (Mr. Ernie Hardeman): Any further debate on that? The change you made to "shall" not—

Mrs. Jane McKenna: We're going to 100% support that because we believe 100% in what you're saying there. But I'm just confused again, so I guess I'm going to be known as being confused. Why is it that when we've tried to change it ourselves, it didn't go through—the “may” to “shall” yesterday?

The Chair (Mr. Ernie Hardeman): The changes that are being done are done by motions that come forward—

Mrs. Jane McKenna: Yes, I know, but it's odd to me.

The Chair (Mr. Ernie Hardeman): —and I deal with them as they go and as they get voted on. Right now, we're voting on number 33.

Ms. Lisa MacLeod: Chair, I just think that there's a level of frustration here, that we're putting forward amendments and then they're being watered down or called redundant. Then other folks will say that they're putting this in the spirit of what we had said, and that just simply isn't the case. I think we'd like that on the record. We'd just like to put this to an immediate vote so that we can attend the vote in the House.

The Chair (Mr. Ernie Hardeman): I can deal with the debate and I can deal with the process, but I can't deal with frustration.

Any further debate on motion number 33? If not, we'll call the question. All those in favour? Opposed? The motion's carried.

With that, it's time to recess for the vote.

The committee recessed from 1654 to 1705.

The Chair (Mr. Ernie Hardeman): We have now passed the hour of 5 o'clock. Pursuant to the order of the House dated Thursday, May 3, 2012, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 13 and any amendments thereto. From this point forward, those amendments which have not yet been moved shall be deemed to have been moved, and any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed. Does everyone understand that?

Interjections.

The Chair (Mr. Ernie Hardeman): We have to start on motion number 34.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Motion number 36.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Shall section 7, as amended, carry? Carried.

There are no amendments in section 8. Shall section 8 carry? Carried.

The first motion in section 9 is 39, moved by Ms. MacLeod.

Ms. Lisa MacLeod: Section 9 of the bill, subsection—

The Chair (Mr. Ernie Hardeman): No, I get to read it.

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be struck out and the following substituted:

“Board support for certain pupil activities and organizations

“(303.1) Every board shall support pupils who want to establish and lead activities or organizations that promote a safe and welcoming learning environment for others.”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Motion number 40, moved by Ms. MacLeod:

“I move that clause 303.1(d) of the Education Act, as set out in section 9 of the bill, be struck out and the following substituted:

“(d) activities or organizations that promote the awareness and understanding of, and respect for, people who face discrimination based on any ground prohibited by the Human Rights Code.”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Number 41, moved by Ms. MacLeod:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding ‘secondary school’ before ‘pupils’ in the portion before clause (a).”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Ms. Lisa MacLeod: Chair, I would like to withdraw this motion, 42.

The Chair (Mr. Ernie Hardeman): The next motion is the government motion 43, moved by Mr. Delaney:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Board support for certain pupil activities and organizations

“(303.1) Every board shall support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including,”

You've heard the motion. All those in favour?

1710

Mr. Bob Delaney: Can we have a recorded vote?

The Chair (Mr. Ernie Hardeman): A recorded vote? We have to leave the recorded vote until the end of the process.

The next one is 44 and it's moved by Mr. Tabuns:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsection:

“Same, gay-straight alliance

“(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use the name gay-straight alliance or a similar name for an organization described in clause (1)(d).”

You've heard the motion. All those in favour? Opposed? The motion is carried.

Motion 45 is an NDP motion moved by Mr. Tabuns:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsection:

“Same, interpretation

“(3) Nothing in this section shall be interpreted to require a board to support the establishment of an activity or organization in a school unless there is at least one pupil who wants to establish and lead it.”

You’ve heard the motion. All those in favour?

Mr. Bob Delaney: May we have a recorded vote?

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

The next one is 46, moved by Mr. Tabuns.

Mr. Peter Tabuns: It’s withdrawn.

The Chair (Mr. Ernie Hardeman): Motion 46 has been withdrawn.

Motion 47 is a government motion moved by Mr. Delaney:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsections:

“Same, gay-straight alliance

“(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use name gay-straight alliance or a similar name for an organization described in clause (1)(d).

“Inclusive and accepting name

“(3) The name of an activity or organization described in subsection (1) must be consistent with the promotion of a positive school climate that is inclusive and accepting of all pupils.

“Same

“(4) A board shall comply with this section in a way that does not adversely affect any right of a pupil guaranteed by the Canadian Charter of Rights and Freedoms.”

You’ve heard the motion. All those in favour?

Mr. Peter Tabuns: Mr. Chair, unless the clerk corrects me on this, subsection (2) has already been adopted in our resolution, so what is in order is (3) and (4).

The Chair (Mr. Ernie Hardeman): We can delete that, but at the end of the day, it will not make any difference. Once you’ve put the first one in, you put the second one, overlay it and the letters will line up exactly?

Mr. Peter Tabuns: Exactly.

The Chair (Mr. Ernie Hardeman): Thank you. But we appreciate the comment.

Did I call the vote, or is this a recorded vote?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): A recorded vote is requested for that one.

The next one is section 9.1. Shall subsection 9.1 carry, as amended? Carried.

Section 9.2, they’re all lost.

Section 10: The amendment is NDP amendment 53, moved by Mr. Tabuns:

“I move that paragraph 7.2 of subsection 310(1) of the Education Act, as set out in section 10 of the bill, be amended by adding ‘gender identity, gender expression’ after ‘sexual orientation’.”

You’ve heard the motion.

Mr. Bob Delaney: Recorded vote, please.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 54 is also an NDP motion. It is moved by Mr. Tabuns. Section 10 of the bill, paragraph—

Mr. Peter Tabuns: Mr. Chair, I will withdraw that.

The Chair (Mr. Ernie Hardeman): Withdraw. Number 53.

Interjections: Number 54.

The Chair (Mr. Ernie Hardeman): That was 54. Oh, yes. You’re right.

Ms. Lisa MacLeod: Which section?

Mr. Peter Tabuns: That’s withdrawn, 54.

The Chair (Mr. Ernie Hardeman): Shall section 10.1 carry, as amended? Carried.

Section 10.2: NDP motion 57.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Shall section 10.2—

The Clerk of the Committee (Mr. Katch Koch): You don’t need to do anything with it. It’s withdrawn. The section doesn’t exist.

The Chair (Mr. Ernie Hardeman): The whole section disappears with no amendment in it.

Section 10.3: NDP, number 58.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): It’s withdrawn. That’s also the only one in the section, so the section also disappears.

Section 11: There are no amendments. Shall section 11 carry? Carried.

Section 12: There are no amendments. Shall section 12 carry? Carried.

The preamble now: The NDP motion is number 60. Mr. Tabuns?

Mr. Peter Tabuns: Could that be Ms. DiNovo here on number 60?

The Chair (Mr. Ernie Hardeman): Ms. DiNovo? There’s nothing on the page. I can put whatever in you like.

Mr. Peter Tabuns: That’s great.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo:

“I move that the preamble to the bill be amended by adding ‘gender identity, gender expression’ after ‘sexual orientation’ in the third paragraph.”

You’ve heard the motion.

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

The next motion is NDP motion 61.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Withdrawn.

The next one is government motion number 62, moved by Mr. Delaney:

“I move that the English version of the sixth paragraph of the preamble to the bill be amended,

“(a) by striking out ‘transgendered’ and substituting ‘transgender’;

“(b) by striking out ‘intersexed’ and substituting ‘intersex’.”

All those in favour of the motion?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 63 is an NDP motion moved by Ms. DiNovo:

"I move that the preamble to the bill be amended by adding 'transphobia or biphobia' after 'homophobia' at the end of the seventh paragraph."

All those in favour of the motion?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 64.

Mr. Bob Delaney: Chair, the government withdraws that motion.

The Chair (Mr. Ernie Hardeman): Number 65: The motion is moved by Mr. Delaney.

"I move that the preamble to the bill be amended by adding the following paragraph after the seventh paragraph:

"Acknowledge that an open and ongoing dialogue among the principal, school staff, parents and students is an important component in creating a positive school climate in which everyone feels safe and respected;"

You've heard the motion.

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

We're now going back to do all the recorded votes, and the clerk is going to tell me what they were. Just hold it for a moment. We will let the clerk itemize them here. I want to make sure we don't miss one.

Mr. Bob Delaney: We've come this far. Let's take the extra minute and get it right.

The Chair (Mr. Ernie Hardeman): I'm sure everyone on the committee understands: If you wish a 20-minute recess, there is only one according to the rules of the House. There's only one 20-minute recess in all the recorded votes. You can request that at any point in time during the voting on them.

Ms. Lisa MacLeod: Chair, may I request a 20-minute recess?

The Chair (Mr. Ernie Hardeman): You can do that right now, and that will give the clerk an opportunity to put it all together.

We stand recessed for 20 minutes.

The committee recessed from 1722 to 1742.

The Chair (Mr. Ernie Hardeman): I call the committee back to order.

We will now go through the ones that requested a recorded vote, and the first one is motion number 43.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 45, NDP motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 47, government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): The next question is, shall section 9, as amended, carry? The motion is carried.

The next one is 53, NDP motion on section 10.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Shall section 10, as amended, carry? Carried.

The next one is 60; it's in the preamble. Number 60 is the New Democratic amendment.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 62 is a government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

The next one is 63, NDP motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 65 is a government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Shall the preamble, as amended, carry? Carried.

Shall the title of the bill carry?

Ms. Lisa MacLeod: No.

The Chair (Mr. Ernie Hardeman): All those in favour say—

Ms. Lisa MacLeod: Recorded vote, Chair.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

Nays

MacLeod, McKenna.

The Chair (Mr. Ernie Hardeman): Carried.

Shall Bill 13, as amended, carry?

Ms. Lisa MacLeod: Recorded vote.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

Nays

MacLeod, McKenna.

The Chair (Mr. Ernie Hardeman): Carried.

Shall I report the bill, as amended, to the House?

Ms. Lisa MacLeod: No.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Thank you very much. The bill is completed.

There being no further business of this committee, we stand adjourned.

The committee adjourned at 1748.

CONTENTS

Tuesday 29 May 2012

Accepting Schools Act, 2012, Bill 13, Ms. Broten / Loi de 2012 pour des écoles tolérantes, projet de loi 13, Mme Broten; Anti-Bullying Act, 2012, Bill 14, Ms. MacLeod / Loi de 2012 sur la lutte contre l'intimidation, projet de loi 14, Mme MacLeod.....	SP-241
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Monday 11 June 2012

Journal des débats (Hansard)

Lundi 11 juin 2012

Standing Committee on Social Policy

Toby's Act (Right to be Free from
Discrimination and Harassment
Because of Gender Identity
or Gender Expression), 2012

Comité permanent de la politique sociale

Loi Toby de 2012 sur le droit
à l'absence de discrimination
et de harcèlement fondés
sur l'identité ou
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 11 June 2012

Lundi 11 juin 2012

The committee met at 1400 in committee room 1.

The Chair (Mr. Ernie Hardeman): Good afternoon, ladies and gentlemen. Thank you very much for being here at the June 11 Standing Committee on Social Policy meeting. We are here today to, first of all, have delegations on Bill 33, An Act to amend the Human Rights Code with respect to gender identity and gender expression. At the conclusion of our delegations, we will hopefully then proceed with clause-by-clause and hopefully be able to complete the bill this afternoon.

SUBCOMMITTEE REPORT

The Chair (Mr. Ernie Hardeman): First of all, we have to deal with the subcommittee report that I believe everyone has on their desk in front of them. If we could have a motion to deal with the subcommittee report? Ms. DiNovo?

Ms. Cheri DiNovo: I move it.

The Chair (Mr. Ernie Hardeman): Seconded? Ms. McKenna?

Mrs. Jane McKenna: I do.

The Chair (Mr. Ernie Hardeman): Thank you very much for offering to move it. Now if you would just read it into the record, we'll be all set. Thank you very much, Ms. DiNovo.

Ms. Cheri DiNovo: Sure. So I'm reading the report of the subcommittee to the Standing Committee on Social Policy.

Your subcommittee on committee business met on Wednesday, June 6, 2012, to consider the method of proceeding on Bill 33, An Act to amend the Human Rights Code with respect to gender identity and gender expression, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings in Toronto on Monday, June 11, 2012.

(2) That the clerk of the committee post information regarding the hearings on the Ontario parliamentary channel and the Legislative Assembly website.

(3) That interested people who wish to be considered to make an oral presentation on Bill 33 should contact the clerk of the committee by Friday, June 8, 2012, at 12 noon.

(4) That the clerk of the committee provide a list of all interested presenters to the subcommittee following the deadline for requests in the event that all requests cannot be accommodated.

(5) That 15 minutes be allotted to each presenter.

(6) That the committee begin clause-by-clause consideration of the bill following the witnesses' presentations on Monday, June 11, 2012.

(7) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

The Chair (Mr. Ernie Hardeman): Thank you very much. You've heard the report. Motion—

Mr. Yasir Naqvi: Chair?

The Chair (Mr. Ernie Hardeman): Yes, Mr. Naqvi.

Mr. Yasir Naqvi: Talk about technicalities. I've just been informed that if we don't recess at 4 and then start clause-by-clause at 5—apparently I expire at 4 o'clock because I'm subbed in and I lose my vote in the committee and it won't kick in until 5 o'clock when I'm subbed in again, so my concern is that if we can somehow figure out that technicality. I'm all for doing clause-by-clause right after the presentations because I don't want to lose my vote, of course.

The Chair (Mr. Ernie Hardeman): Thank you very much. We'll have the clerk speak to that.

The Clerk of the Committee (Mr. Katch Koch): Mr. Naqvi, all I need is a new sub slip. You have 30 minutes into the meeting to provide me with a sub slip.

Mr. Yasir Naqvi: We'll get that to you. Perfect. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further discussion on the report?

If not, all those in favour? Opposed? The motion's carried.

TOBY'S ACT (RIGHT TO BE FREE FROM
DISCRIMINATION AND HARASSMENT
BECAUSE OF GENDER IDENTITY
OR GENDER EXPRESSION), 2012
LOI TOBY DE 2012 SUR LE DROIT
À L'ABSENCE DE DISCRIMINATION
ET DE HARCELEMENT FONDÉS
SUR L'IDENTITÉ OU
L'EXPRESSION SEXUELLES

Consideration of the following bill:

Bill 33, An Act to amend the Human Rights Code with respect to gender identity and gender expression /

Projet de loi 33, Loi modifiant le Code des droits de la personne en ce qui concerne l'identité et l'expression sexuelles.

REGISTERED NURSES' ASSOCIATION OF ONTARIO

The Chair (Mr. Ernie Hardeman): Our first delegation this afternoon is from the Registered Nurses' Association of Ontario: Doris Grinspun.

Welcome this afternoon, and thank you very much for making time in your busy schedule to be here. You will have 15 minutes to make your presentation. You can use all or any part of that for your presentation. If there is any time left at the end of the presentation, we'll have questions from the committee, and we will start with the New Democratic Party this time.

Ms. Doris Grinspun: Thank you very much. I'm the executive director for RNAO—sorry, my mistake. I will get in trouble already with my board of directors.

I'm the chief executive officer of the Registered Nurses' Association of Ontario. With me today is Lynn Anne Mulrooney, senior policy analyst at RNAO. We are the professional association for registered nurses who practise in all roles and sectors in Ontario. Our mandate is to advocate for healthy public policy and for the role of registered nurses in enhancing the health of Ontarians.

We are pleased and humbled to be here today to support Toby's Act. This legislation is of fundamental importance, both in term of strengthening human rights and for taking a stand against transphobia and for the protection of trans Ontarians against discrimination and harassment.

We are thrilled that Bill 33 is proceeding as all-party legislation, sponsored by Cheri DiNovo of the New Democratic Party, Yasir Naqvi of the Liberal Party and Christine Elliott of the Progressive Conservative Party. As human rights legislation, it is both appropriate and significant that it is moving forward on its obvious merit without partisanship. It is in the best tradition of MPPs working together for all Ontarians. RNAO thanks you all for your courage and your leadership.

Bill 33 is proof that good things can come in small packages. As short as the bill is—no more than one page—it is tall in importance and what it will mean in real terms for the many people in this province who have lived with harassment, transphobia and discrimination. They know discrimination can take various forms—through direct assault, such as hate crimes, physical violence and verbal attacks. They also know that it can come as a result of stigmatization, barriers to inclusive and appropriate care because of discriminatory practices by health care institutions and professionals, and by not having access to the quality, safe work environments that many of us take for granted.

Sections 1 to 5 of Toby's Act amend the Human Rights Code by adding the words "gender identity, gender expression," ensuring that every person has a right to equal treatment without discrimination because

of gender identity or gender expression with respect to services, goods and facilities, accommodation, contracting, employment and membership in a trade union, trade or occupational associations or self-governing professions. Section 7 of the Human Rights Code is amended to guarantee that every person has a right to be free from harassment because of gender identity or gender expression.

One short page speaks volumes: Toby's Act recognizes a human right to be free from discrimination and harassment because of gender identity or gender expression.

It is a fitting tribute to Toby, who, like many other trans persons, died prematurely after a life fighting depression and addiction issues. It is named for Toby Dancer, but it is for all trans people who have experienced transphobia and trans bashing and the fear, violence, ignorance, stigma and hatred that are still all too common. It is for all of us, indeed, as we value the diversity of our province, where discrimination and harassment against one person affects us all.

RNAO has a long and proud history advocating for human rights and the health and wellness of lesbians, gay, bisexuals, transsexuals, transgender, two-spirited, intersex, queer or questioning persons.

I want to acknowledge and thank the brilliant and dedicated members of our Rainbow Nursing Interest Group, the expert group within the RNAO that stands with the Trans Health Lobby Group, the Trans Lobby Group, Rainbow Health Ontario, Rainbow Health Network and all those who have worked so hard and selflessly for the day to come when Toby's Act would finally become law. We share their heartfelt hope that they will not need to wait much longer.

Toby's Act is an essential step in providing full human rights protection for one of the most marginalized economically and socially vulnerable groups in our society. Advocating for full human rights protection for trans Ontarians through legislation is an ethical and professional imperative consistent with registered nurses individually and collectively seeking to promote justice.

1410

Strengthening human rights protection enables people to be who they are and to be respected for who they are. As was explained during the House of Commons debate on Bill C-389, a bill to amend federal legislation, "Gender identity is a person's innate feeling of being male, female, both genders, neither or in between. It is not a reference to people's biological sex or their sexual orientation. Identity is something to be respected and honoured and gender identity is no different. Gender expression is the expression of that inner identity. It is the freedom to be, plain and simple, one's self."

Discrimination against people who are transgender, including those who identify as transsexual, erodes health through increased risk of violence, poverty and social exclusion, diminishes access to health care, and threatens quality work environments.

Results of the National Transgender Discrimination Survey by the National Center for Transgender Equality

in the United States found that their respondents experienced unemployment at twice the rate of the general population; 15% lived on \$10,000 per year or less—again, twice the rate of the general population; and 19% of the sample have been or are homeless. A staggering 90% of the respondents reported experiencing harassment or mistreatment at work. Because of gender identity/gender expression, 44% did not get a job they applied for, 23% were denied a promotion, and 26% lost their job. Particularly hard hit for job losses were those who were black—32%—or multiracial—37%.

These multiple barriers to health and well-being experienced by trans people are consistent with findings from the Ontario Public Health Association's Trans Health Project, the Ontario Human Rights Commission's consultation on human rights and rental housing, and the Trans PULSE project, a community-based research project in Ontario.

The Trans PULSE project "aims to broadly understand how social exclusion impacts the health of trans people." In their analysis of the significant barriers to receiving health care that trans people experience, the authors identify the processes of erasure in information production and dissemination and in institutional protocols, practices and policies.

Assumptions that those assigned male or female at birth will always grow up to be the same are so prevalent that they are difficult to even recognize. Social activities, such as child rearing, the policies of institutions, and the organization of the broader social world and the health care system itself disallow the possibility of trans existence or trans visibility, let alone of respect.

As nurses, we know that client-centred care is based on the values of respect and human dignity. As part of the commitment of registered nurses to improving health outcomes and the health care system for transgender clients and staff, Ontario's registered nurses urge you, our elected leaders, to make trans people visible by fully protecting their human rights.

Ontario's registered nurses view Toby's Act as an essential way to address discrimination that threatens health, well-being and access to health care.

Ensuring that the human rights of all Ontarians are protected is not only the just thing to do, but it will contribute to building a stronger, more vibrant community where all people are respected. This is why the RNAO is here with you this afternoon: to add nurses' voices to those of so many who have played key roles in bringing Toby's Act so close to reality.

Let me just take a final minute to give voice to some of those who have experienced discrimination and harassment first-hand. These are excerpts from emails sent to the Canadian Senate upon the consideration of Bill C-389 last year:

"Being transgendered is not easy. Loss of relationships, family, friends, limited employment, ridicule on the streets, denial of service in stores are just some of the issues I have experienced. But I am one of the lucky ones; I was able to afford help when I considered suicide,

and I have not suffered physical violence or lost employment, but for so many, this is not the case.... It is my hope that with your support ... we can start to reduce the rage and violence, the suicides, the almost guaranteed poverty, the destruction of families and, most importantly, access some form of dignity and self-respect."

And another: "As the wife of a man who identifies as transgendered, I have witnessed many years of struggle and shame. He was honest with me from the outset of our relationship and I attributed the wonderful characteristics of caring and empathy with his transgendered nature. But with those gifts also come guilt and shame.... Going out into the world, even to private meetings of other trans people, is traumatic because of the looks, comments and fears of being recognized and judged."

Toby's Act is an essential step in providing full human rights protection to trans Ontarians. We must put the harmful effects of stigma, discrimination and harassment behind us, remove the barriers to employment and stability, health services, income security, food security and housing.

In passing Toby's Act without further delay, together, we can end the shame we all share that trans people continue to be among the most marginalized groups in our society.

We thank you again for your courage and leadership and for giving us the opportunity to present to you today the views of the Registered Nurses' Association of Ontario.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about three minutes left. Ms. DiNovo?

Ms. Cheri DiNovo: Doris, always a pleasure, and thank you so much for coming here and giving your testimony. It means a great deal to everyone around this room, I think we can say. It will be coming back for third reading debate Wednesday morning in the House, and the vote will come Wednesday morning. So if you possibly can, come back for that; I would certainly welcome you. But again, just thank you.

Ms. Doris Grinspun: We will make sure, and we will also tell our members of the Rainbow interest group—absolutely, Cheri. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. As the member said, we'll see you on Thursday.

Ms. Doris Grinspun: Wednesday.

The Chair (Mr. Ernie Hardeman): Wednesday. I'm trying to make it a day late. Sorry about that.

QUEER ONTARIO

The Chair (Mr. Ernie Hardeman): Our next delegation is Queer Ontario.

The clerk will pass out the presentations to the committee members. We thank you all for being here today. As with the previous delegation, you'll have 15 minutes to make your presentation. Use any or all of that. If, at the end of your presentation, there's sufficient time left

for comments and questions, we will start the questioning with the government side. With that, the floor is yours and the next 15 minutes are yours. Thank you very much for being here.

Mr. Nick Mulé: Thank you.

The Chair (Mr. Ernie Hardeman): Oh, and could you all introduce yourselves for Hansard as you start to speak.

Mr. Nick Mulé: Thank you for giving us this opportunity to speak to this important bill. My name is Nick Mulé. I'm the founder and chairperson of Queer Ontario, and I'm joined by fellow activists Davina Hader, who is the member at large for Queer Ontario, and Casey Oraa, vice-chairperson for Queer Ontario.

As an introduction to the organization, Queer Ontario is a provincial network of gender- and sexually diverse individuals and their allies, who are committed to questioning, challenging and reforming the laws, institutional practices and social norms that regulate queer people. We operate under liberationist and sex-positive principles and fight for accessibility, recognition and pluralism within society. Our broad definition of "queer" includes people who are marginalized because of their sex, gender, sexuality, relationship and lifestyle.

Queer Ontario continues to strongly support the amending of the Ontario Human Rights Code to include gender identity and gender expression as recognized and, thus, protected grounds. We are pleased that the bill is being sponsored by representatives of all three parties and expect that it will go through. Nonetheless, we have come here today to highlight why Bill 33 is an important piece of legislation socially, legally and culturally.

For the sake of this deputation, we will be referring to "trans communities," which include individuals who are transsexual and transgender, as well as individuals who are agender, bigender, gender queer, two-spirited, androgynous, cross-dressers and gender fluid, just to name a few. These are all gender identities and gender expressions that exist in Ontario and, indeed, the world, and it is due time that we recognize the individuals who live these identities, sometimes clandestinely because of the ignorance, hatred and mistreatment they fear they will face if they do present themselves genuinely. This bill will ensure that such fears are allayed and that individuals know that they have the support of the government and the courts if ever they were to face discrimination for being themselves.

1420

Some facts: Trans communities have faced an inordinate amount of discrimination in many areas of life that most people take for granted. Aside from experiencing dysphoria, a deep and, in many cases, debilitating dissatisfaction with one's body or assigned sex or gender, many trans people continue to face severe disadvantages in employment, housing and the provision of health care and social services.

Data from the Trans PULSE health survey reveal that trans people face disproportionate levels of poverty, with over 40% unemployed, underemployed or unable to

work. Moreover, 50% of trans people reported an annual income of \$15,000 or less, and one in five are living in assisted or unstable housing. Trans-identified Ontarians consistently face discrimination from landlords and health care providers—43% without formal training on trans issues—including denial of access to vital services such as shelters, mental health and rape crisis services.

All of this has a serious impact on their health and well-being, considering that 43% of trans Ontarians have attempted suicide.

As the bleak statistics show, trans communities disproportionately are discriminated against in many avenues of their lives, and often at higher rates than their lesbian, gay and bisexual counterparts. It would be utterly irresponsible of the state to continue to ignore these serious social problems.

Ms. Davina Hader: I'm Davina. Systemic concerns: Not only would the passage of Bill 33 have the potential of changing the lives of trans people and their loved ones, but such explicit recognition will contribute to the systemic changes so desperately needed in our education, housing, employment, policing, corrections, health care and social service systems, all of which require trans-sensitive policies and programs to ensure equal access.

To share but one powerful example of a set of systemic policies that contribute to and perpetuate the ongoing stigmatization of trans people: A psychiatric diagnosis is imposed by the DSM, the Diagnostic and Statistical Manual of Mental Disorders, on these individuals. The current diagnosis is "gender identity disorder," and proposed for DSM-5 in 2013 is "gender dysphoria." Not only does such labelling contribute to the ongoing pathologization of these communities, but here in Ontario, such a diagnosis is directly tied to accessing sex reassignment surgery, or SRS, given that such a diagnosis is required in order to claim coverage from OHIP. For most seeking SRS, doing so without OHIP is prohibitive. Bill 33 will serve as a crucial beginning countermeasure to such systemic pathologization and stigmatization.

Gender diversity: Having social recognition and ensuring legal human rights protections are important in our ever-evolving cultural understanding of gender diversity. The traditional binary concept of gender is being challenged today like never before, given that many people are beginning to realize that the designations of infants as boys or girls at birth, or men and women in adulthood, are not only limited in terms of options but also presumptuous, premature and ultimately changeable, given our tremendous medical advances over the past couple of decades. Indeed, there is no doubt that there are individuals who identify with the sex or gender they were assigned at birth, with the opposite one, with neither of the two, with both of them, or with another gender that is a combination of the two, or something else altogether, and they, as individual persons, have every right to identify as they do and to present themselves to the world as they see fit.

It is the responsibility of the medical and mental health professions, and of our governments and courts, to

understand the full diversity and complexity of these communities and to develop theoretical frameworks and professional practices that not only acknowledge and reflect the lived realities, including its most marginalized, but which also assist and protect them throughout the course of their lives. Presenting or facilitating barriers is antithetical to a sensitized, caring society that equitably meets the needs of its citizens.

The struggles of a gender diverse person may be complicated by other discrimination they face due to race, ethnicity, religion, age, disability, class etc. Furthermore, we are seeing an increase in gender non-conforming children who are expressing discomfort with their designated sex and in very concerned and caring parents, child care workers and educators who want to be supportive but have few, if any, resources to turn to that will address these concerns in the compassionate and sensitized manner required. Whether children, young adults or seniors, there are a growing number of gender diverse people who require the protections of this bill.

Mr. Casey Oraa: By recognizing trans people in law as opposed to simply being read in under “sex” or the less apt “disability,” you will establish a clear legal framework. Amending these two important concepts in, you will be providing the explicit language necessary to counter the feeble process currently being used.

Reading a person in isn’t enough, as that places them at the mercy of judges who can interpret the provision whichever way they decide. Providing clear, defined language as generated from within these communities will provide the means necessary to directly address their issues and concerns.

To draw a parallel: In 1975, when advocates first called for the inclusion of “sexual orientation” into the Ontario Human Rights Code, they were told this was not possible because society was not ready to recognize them. But our communities believed otherwise and we continued to advocate to have the Ontario Human Rights Code amended to include “sexual orientation,” which successfully occurred in December 1986. Amending in “sexual orientation” gave our communities the social recognition that furthered our existence within the public consciousness and provided greater legal footing upon which to assert and defend ourselves, as needed. With Bill 33, this long-overdue amendment will give trans communities the same recognition and protections as any Ontarian should have.

In a democratic society, the recognition offered by the state reaches further than the courtrooms and affects how its citizens perceive their rights, the rights of others and, unfortunately, the worth of individuals. By choosing to recognize trans communities with these amendments, you will directly encourage the citizens of our province to question their own perceptions of trans communities and maybe even their own genders, given the possibilities this will open up, and hopefully recognize and respect these communities as well, as they deserve to be.

Amending the Ontario Human Rights Code to include “gender identity” and “gender expression” would not

only rightfully extend social recognition and legal protections, but also symbolically celebrate the courage, tenacity, spirit and resilience of the trans communities in the face of severe discrimination and hostility.

In conclusion, fresh in the stead of the passing of Bill 13, the Accepting Schools Act, 2012, you’ve already passed into law “gender identity” and “gender expression” as social locations that are protected. Given that you rightly recognized them in Bill 13, extending the same recognition and ensuing protections in Bill 33 contributes to consistent and integrated policy-making.

In conclusion, this bill has come before Parliament a total of four times now. It is long overdue that the trans and gender diverse populations, among the most marginalized and oppressed communities in this province, be given the same level of social recognition and legal protection as all Ontarians. We strongly urge you to pass Bill 33.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about five minutes left, so we’ll start with Mr. Naqvi.

Mr. Yasir Naqvi: This is the fourth time, and I’m fairly confident this will be the lucky time for this bill to pass and become law in terms of recognizing and protecting the rights of trans communities in Ontario and hopefully setting a leadership example for us as a country as well.

I just want to take this opportunity to thank you for your advocacy. I’ve had the chance to work with you and members of your organization several times in educating me on the importance of this issue and many other issues that impact queer Ontarians. Thank you very much for being here and making the presentation, and I will look forward to passing this on Wednesday morning.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any of the other parties, did you want to have a comment or question?

Mrs. Jane McKenna: I just wanted to thank you as well. I echo everything that my colleague has just said. I know that when you come in, the passion is phenomenal. I had the privilege of speaking in the House on this bill as well, and I was very pleased to do so. So thank you so much.

1430

The Chair (Mr. Ernie Hardeman): Thank you. Ms. DiNovo?

Ms. Cheri DiNovo: Just to add my voice to theirs. Thank you so much. It’s been a long time coming, I know—too long, but here we are. It’s also, quite frankly, an example of a minority government that’s working.

I just wanted to thank you so much for coming before us today. Keep up the good work.

The Chair (Mr. Ernie Hardeman): Thank you again for coming in this afternoon and making your presentation. We look forward to dealing with the—hopefully get it through committee today and get it back into the House on Wednesday for third reading. We can’t judge it any further than that, but thank you very much for coming in.

Mr. Casey Oraa: Thank you.

The Chair (Mr. Ernie Hardeman): Our next presentation is Christin Milloy. She has not arrived yet, so we'll have to just hold on for a minute.

ONTARIO HUMAN RIGHTS COMMISSION

The Chair (Mr. Ernie Hardeman): Is Barbara Hall here from the Human Rights Commission? There she is. She is our delegation for 2:45, but she's here, and hopefully Christin Milloy will come sometime during Ms. Hall's presentation, so we can turn those around.

Ms. Hall, thank you very much for being here for the social policy committee again. It was just the other day we were here, but we thank you for coming in. As before and as with the other delegations, you'll have 15 minutes to make your presentation. You can use any or all of that. Any part that's left over, we will start with questioning from the official opposition side this time. Again, thank you for coming in, and the floor is yours for the next 15 minutes.

Ms. Barbara Hall: Thank you, Mr. Chair. It's a real pleasure to be here on behalf of the Ontario Human Rights Commission to indicate our overall support for Toby's bill. I'm pleased to be accompanied by Sunil Gurmukh, a solicitor from the commission, as well as Jackie Pegg, an inquiry analyst at the commission.

In 1999, my predecessor, Keith Norton, first called for an amendment to the Ontario Human Rights Code to add "gender identity" as a prohibited ground of discrimination and harassment. We have repeated that call publicly many times since.

In 2000, after careful research, public consultation and case law review, the commission released, for the first time, a policy on gender identity and human rights, taking the position that the ground of sex could be used to protect transgender individuals from discrimination and harassment.

This recognition began to have an impact. Transgender individuals started coming forward with claims about harassment and other forms of discrimination at work, at the mall, at the health club, in dealing with police, as a member of the Canadian Armed Forces and in other areas of daily life. Tribunals and courts began to recognize their rights, but unfortunately, this progress was too often met with public ridicule, fear-mongering and backlash, which continues today.

Transgender individuals are one of the most marginalized groups in society. They routinely face discrimination, hatred and danger. Explicit recognition in the code would help better promote and protect their rights. It could reduce complaints and bring clarity to situations that often arise out of ignorance and confusion.

Gender identity is linked to an individual's intrinsic sense of self, particularly the sense of being male or female. A person's gender identity is different from their sexual orientation. People's gender identity may be different from their birth-assigned sex. The personal characteristics that are associated with gender identity

include self-image, physical and biological appearance, expression and behaviour and conduct, as they relate to gender.

The ground of sex does not properly convey this meaning. A new ground would leave no doubt in the eyes of the public, or the law, that trans people are entitled to the same protections as everyone else.

That's why we're pleased to see a bill come before this committee that would add "gender identity" and "gender expression" to sections 1, 2(1), 3, 5(1) and 6 of the code dealing with services, housing, contracts, employment and vocational associations.

With respect to harassment, we have recommended that gender identity be added to section 2(2) of the code dealing with harassment in housing accommodation, and section 5(2) dealing with harassment in employment.

Bill 33, on the other hand, proposes to address harassment based on gender identity and gender expression under sections 7(1) and 7(2), which deal exclusively with sexual harassment in housing and employment. This would not be consistent with the commission's policies. While transgender individuals do experience sexual harassment, they also experience other forms of non-sexualized harassment related to their gender identity.

For this reason, we recommend the bill be amended to address harassment based on gender identity and gender expression under sections 2(2) and 5(2) of the code, rather than 7(1) and 7(2), as it currently reads.

Legislative recognition of gender identity rights is beginning to happen in other jurisdictions as well. The Northwest Territories' Human Rights Code already includes gender identity. Similar changes are being proposed in Manitoba and at the federal level, and the UN Office of the High Commissioner for Human Rights has recently called on member states to recognize gender identity in human rights legislation. Recognizing gender identity in Ontario's code is long overdue.

Last week, I was pleased to see the Legislature pass Bill 13, recognizing gender identity, among other groups, for protection against bullying in schools.

Later this week, we're celebrating the 50th anniversary of the Ontario Human Rights Code. The code has been amended many times during that period, including adding new protections for sex, for disability and for sexual orientation. The code has evolved as society's understanding of human rights has grown and evolved. The time is right—now—to amend the code to recognize, promote and protect the rights of transgender individuals.

Finally, I would ask the committee to consider another amendment to the code. The ground of sexual orientation was added in 1986, but was never enumerated under sections 2(2) and 5(2) dealing with harassment. We therefore restate our long-standing recommendation that amendment of these provisions also include the ground of sexual orientation. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have approximately six minutes left, so we'll start with the official opposition.

Mrs. Jane McKenna: Thank you so much, Barbara, for coming out. That was a wonderful presentation. It's

wonderful that you've been here and come out, and I pass it along to Cheri to say something else. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you. Ms. DiNovo.

Ms. Cheri DiNovo: Thank you so much, Barbara, first, for years back writing a letter to the Toronto Star in support of this bill and being a supporter ever since. So, here we are finally, and I thank you for your support along the way.

I wanted to let you know that the amendments we proposed are based on the amendments that you have asked for. So we will be discussing those later this afternoon, just to make it even stronger. We hope that you join us on Wednesday morning when the bill passes, we hope. Thank you for being here and for all the work that you do. It's exciting. I hadn't realized it's the 50th anniversary, so it's a nice coincident with the passage of this bill. Thank you.

1440

Ms. Barbara Hall: Thank you. Well, the 50th anniversary is on Friday. It just feels like another important point in the life of human rights in Ontario will have been met then.

Ms. Cheri DiNovo: Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. Mr. Naqvi.

Mr. Yasir Naqvi: We would say that we had it all planned, but it just happens to be that way. But it's a good, good coincidence.

I really want to thank you and the commission for the work they did in 2000 in getting that policy guideline because I think that was very instructive to a lot of us to see, and to the trans community, of course, to have their rights being protected under the category of sex. This obviously takes that very next important step in leaving no ambiguity in protecting the rights of the trans community. So thank you very much.

Thank you also for letting us know some of the other areas where we can make it a little bit more clear in terms of the application of the code vis-à-vis sexual orientation or gender identity and gender expression. We'll be looking at it in terms of the amendments that are being proposed later in the afternoon. Thank you, Ms. Hall.

Ms. Barbara Hall: Sex did provide an opportunity for people to come forward and get relief, but it didn't send a clear message, and what we're all interested in is prevention. So that's why having the explicit grounds in the code will send a strong, strong message. We'll hope that the prevention will occur of the really quite horrendous discrimination and harassment that trans people are experiencing till this day. I feel like I'm here for the tipping point.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. On behalf of the committee, I want to say that the committee has no power to hold off the third reading of the bill to Friday, because on Friday the House will not be sitting. So I guess—

Mr. Yasir Naqvi: We're not taking that risk.

The Chair (Mr. Ernie Hardeman): I don't know what's going to happen on Wednesday, but it will hopefully be before the Legislature on Wednesday to deal with it.

Ms. Barbara Hall: Thank you. I'll be here Wednesday morning. Friday afternoon, just across the street at Hart House there will be a plaque unveiled and a celebration of the 50 years of human rights in Ontario. Thank you very much.

The Chair (Mr. Ernie Hardeman): Thank you very much for being here, and thank you again for all the hard work you do.

Again, going back to Christin Milloy: Is Christin present? The staff have tried to contact her, but they have not been able to make contact with the deputation.

EGALE CANADA

The Chair (Mr. Ernie Hardeman): We have our 3 o'clock appointment, Egale Canada. Is Egale Canada here? Yes, very much so—coming up. We're a little ahead of the game here, but that's—

Ms. Helen Kennedy: I love it. That's great.

The Chair (Mr. Ernie Hardeman): Nothing wrong with that. Thank you very much for being here again. As with previous delegations, you'll have 15 minutes to make your presentation. You can use any or all of that for your presentation. If there's any time left over, we will start the questioning from the committee with the—I think it's with the third party this time.

Ms. Helen Kennedy: Great. Thank you. Thank you very much. My name is Helen Kennedy. I'm the executive director of Egale Canada. Egale is our national lesbian, gay, bisexual and trans human rights organization, advancing equality, diversity, education and justice.

Egale's vision is a Canada free from transphobia, biphobia and homophobia and all other forms of discrimination, so that every person can achieve their full potential unencumbered by hatred and bias.

Unfortunately, far too many Canadians who identify as trans continue to suffer from significantly increased levels of violence and harassment. Much of it is unseen and invisible to others. Many are the victims of hate crimes, bullying and violence motivated by their perceived gender identity or expression.

Unfortunately, current Canadian anti-discrimination and hate crime legislation has been unable to fully protect Canadians who identify as trans from these injustices. This is clearly unacceptable and must be rectified.

In 2010, the Canadian Bar Association unanimously passed a resolution encouraging all provincial and territorial governments across Canada to amend their human rights laws to better protect transgender individuals, and I'm really, really pleased to see that Ontario has taken up that task. Kudos to you, Cheri, and the trans community and to everybody—Yasir and our Conservative friends as well. We will now be the second jurisdiction in Canada to have protections under the human rights code for

transgender people, and that is really something that we should be proud of.

I just wanted to give you sort of a little bit of a sense of what our trans youth are facing on a daily basis in our Canadian school system. In 2009, Egale's education committee conducted a survey of high schools across Canada. After 18 months of data collection ending in 2009, we had over 3,700 participants whom we collected from to address the issue of transphobic violence, homophobic violence and biphobic violence and harassment within our school system.

What did we learn? Well, we learned that our schools are indeed unsafe for our trans youth: 78% of our trans students felt unsafe at school; 52% of our trans youth reported feeling unsafe in the change rooms and the washrooms; 43% of our trans youth reported that teachers never intervened when transphobic comments were being made; and 53% of our trans youth don't feel comfortable reporting incidents of harassment to the school staff.

I could go on: 47% of our trans youth in Ontario have thought about suicide, and that is from the Trans PULSE survey in 2010. We know that we have problems within our society when addressing issues of transphobia.

Also, we more commonly hear about homophobic incidents. When you look to the trans community, they're at far greater risk of harassment, violence, discrimination. Our trans adults may be incredibly well-educated. They can't find jobs, they can't get housing, and this is just not acceptable in Canadian society—in any society.

We know that 40% of our UN member countries criminalize homosexuality and discriminate against our LGBT populations. Canada needs to be a leader in this regard. Currently, there are only six countries around the world that have protection for trans people under their Human Rights Codes. That's really appalling. We know that Ontario will now be the second jurisdiction in Canada, and we should be incredibly proud of that, but we have more work to do.

There is a bill before Parliament right now, Bill C-279, the gender identity bill, which passed by a narrow margin at second reading last week. It is now going to committee as well. I want to commend those members who are here who have counselled and encouraged their counterparts in Ottawa to support this bill, because if we pass this bill and if we are successful, Canada will be the seventh country in the world to have recognition for gender identity within its Human Rights Act.

I do feel that today is a day for celebration. This really is democracy at work when we can get all three parties to agree on doing the right thing. I really do commend you and I'm very proud of the work that you have done to this point. I look forward to being in the House on Wednesday when this legislation passes. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We have about nine minutes left. With that, we'll start with Ms. DiNovo.

Ms. Cheri DiNovo: Well, thank you, Helen. Thank you for the incredible work that you and Egale do, of

course, across the country. We know about it—everyone here does—and we applaud you for it.

It's interesting when you say that the Northwest Territories have done this, but we will be the first province—I think Manitoba is nipping at our heels. I was out in Winnipeg on the weekend and I think they're bringing it in this week as well, towards the end of the week, so we'll be one day or two ahead of them. But we're really the second jurisdiction in North America—I keep emphasizing that because it's not just Canada; it's North America. It's very exciting, and we look forward to celebrating with you on Wednesday.

Ms. Helen Kennedy: Yes, thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much. The government?

Mr. Yasir Naqvi: Helen, thank you very much. Thank you very much also for your advocacy on Bill 13, the Accepting Schools Act, and what we have been able to accomplish. For the first time in the Education Act, we have "gender identity" and "gender expression" written in, and I think that was a huge step forward.

The very first time I remember learning about this issue was an Egale-sponsored debate in 2007 when I first ran for office, and a member of the trans community from my riding came up to the podium and asked the question—what my views were on enshrining and codifying gender identity and expression in the Human Rights Code. I was very honest. I remember telling them, "I don't know much about the issue, but I look forward to sitting down with you and learning about it." She quickly explained to me some of the issues and put forward a petition in front of me, if I would sign it, which I agreed to sign right at the moment because when it comes to issues around human rights, there are no ifs and buts; there are no grey areas. You protect the rights of people or you don't.

The big reason that my family came to Canada was to ensure that we would all have the same equal human rights. I've been working on this issue since then and was fortunate to partner with MPP DiNovo and MPP Elliott to move this issue forward. So thank you indirectly to you and your organization for educating me on this issue, raising these issues in an important forum like election times and getting elected representatives onside so that we can hopefully do all the right things. I appreciate the work you do.

Ms. Helen Kennedy: Thank you very much.

The Chair (Mr. Ernie Hardeman): Ms. Elliott?

Mrs. Christine Elliott: Thank you very much, Helen, for joining us today. It's a pleasure to see you again, and I very much appreciate the work that you're doing at Egale, working with all the groups to make sure that human rights for everyone in Ontario are protected. That's certainly essential to me and one of the first things that I worked on on being elected to this place in 2006. I'm pleased that we're moving things forward here provincially.

As far as the federal bill is concerned, I have urged the federal member for Whitby—Oshawa to support the bill—

Ms. Helen Kennedy: I noticed.

Mrs. Christine Elliott: —as he has done.

Ms. Helen Kennedy: Believe me, I was jumping up and down in my living room when I saw him get up. So that was—

Mrs. Christine Elliott: Yes. We're certainly onside as far as that is concerned. Continue the great work, and it's a pleasure working with you.

Ms. Helen Kennedy: Thank you very much. I very much appreciate it.

The Chair (Mr. Ernie Hardeman): With that, thank you very much for your presentation. It's very much appreciated.

Ms. Helen Kennedy: Thank you.

The Chair (Mr. Ernie Hardeman): Our next delegation is the Trans Lobby Group.

Interjection.

The Chair (Mr. Ernie Hardeman): Yes, they're not to be here yet. That appointment isn't until 3:15. If they're not here yet, then we can't hear them.

Mr. Yasir Naqvi: Are we in recess?

The Chair (Mr. Ernie Hardeman): If we're not here yet, we'll have to recess for a period of time because they're not due to be here till 3:15.

Mr. Yasir Naqvi: A 10-minute break?

The Chair (Mr. Ernie Hardeman): We'll recess until 3:15 or later.

The committee recessed from 1453 to 1515.

The Chair (Mr. Ernie Hardeman): We'll call the committee hearing back to order.

THE TRANS LOBBY GROUP

The Chair (Mr. Ernie Hardeman): I believe our next delegation is here, the Trans Lobby Group. Thank you very much for coming in this afternoon to speak to the committee. As with the instructions I've given to others, you'll have 15 minutes to make your presentation. You can use any or all of that as part of your presentation. If there's any time left at the end of that, we will have questions, and this time we'll start with the government side. If you would also give your name prior to starting your presentation. With that, the next 15 minutes are yours. Thank you very much for being here.

Ms. Susan Gapka: Thank you, Mr. Chair. My name is Susan Gapka, and I'm chair of the Trans Lobby Group. This is Martine Stonehouse, vice-chair of the lobby group. We have another member I'd like to call up, Davina Hader, who has been helping us. She's going to observe and maybe try to answer some questions.

We are a non-partisan group. Some of us do have political memberships, but we're not here today—we believe in working across the different parties.

Actually, just to start with, we're humbled; humbled and—there's another word. I want to thank the three parties and their representatives—Yasir Naqvi, Christine Elliott and Cheri DiNovo—for coming together in a collaborative effort so that trans people, transsexual and transgendered people, in Ontario can acquire and achieve

the same human rights that other disadvantaged groups already have—enumerated rights.

We are the Trans Lobby Group. We formed about 10 years ago. We have about 40 members, and a steering committee who does some of the day-to-day things.

We originally formed—Martine; it's all her who got us together—around funding for sex reassignment surgery. It was defunded in 1998 and relisted—I thank you for relisting it—about three or four years ago.

We launched—

Ms. Martine Stonehouse: It was 2008.

Ms. Susan Gapka: In 2008? Yes, 2008.

We've managed to work with Rainbow Health Ontario. We formed that with some funding to improve access to health care for trans people across the province.

There is still one thing we need to do, and that's move forward on multiple assessor points. There's only place in Ontario, a five-minute walk from here, at the gender identity clinic. So that's something we hope to work on, again with all parties, to move that forward.

The second thing that we've been working on is the human rights. Thank you, Cheri DiNovo, for introducing it four times, and all those coming together. We really think it's important that trans people have access to human rights.

Transphobia is an irrational fear and hatred of trans people, and like gay-bashing, it includes physical violence. Trans PULSE discovered that 77% of trans people in Ontario had seriously considered suicide. We're the determined ones. We're the survivors that have overcome these challenges. We use the same tenacity that we do now in overcoming our challenges to meet with you and try to move our agenda forward.

International Day Against Homophobia was created in 2003, and transphobia was added in 2009 “to give a specific dimension, and fight against the invisibility of the trans issue.” Yet we still remain a disorder—the Diagnostic and Statistical Manual recognizes it as a disorder—and still exist outside the human rights realm. So we'd like to see that move forward.

The other item we've been working on is the Vital Statistics Act. Our legal documents often do not match our name and our lived and experienced identity. An Ontario tribunal court struck down as discriminatory the amending formula of having surgery as a requirement.

1520

We look forward, again, to working with MPPs and the people here today and outside this room to come up with a criterion that meets the needs of trans people. Oftentimes, if we don't have identity documents that say who we are and how we live every day, we may be denied access to employment, access to housing or any other social needs.

We see these three components—access to health care delivered in community-based settings across the province, explicit human rights protections so that we have remedy for when we experience harassment and discrimination, and legal identity documents—as the three fundamental pillars for trans people to achieve social

inclusion in Ontario society. These are the three issues we've been focused on and the three issues, with your assistance in the next few days, to achieve so that we can achieve full citizenship.

There is in your handout a fact sheet, but I think I've covered most of the important parts—I'm looking at us around six minutes; I'm not sure if there are a lot of questions.

We do know that the human rights commission—I think Ms. Barbara Hall on the commission made some clear recommendations. Federally, the La Forest commission has made a recommendation to include in the Canadian Human Rights Act. As recently as last week, I was in the federal chamber in Ottawa, where on a vote of 150 to 132 in what we thought might be an unfriendly government—actually, a 13-vote majority to move to committee a federal bill like this. So perhaps things are aligning for us, and it's really important, finally acting 10, 12, 15 years later on recommendations from human rights commissions.

We've always said it is time to deliver on trans human rights. Perhaps this week we can work together to deliver trans human rights.

I'd like to turn it over to Martine Stonehouse for a few minutes, and then we'd like to open it up for questions, if you do have any for us. Thank you very much.

Ms. Martine Stonehouse: Hi. It has been a long, long fight. I was a person who was in the process of getting my approval for surgery when the funding was cut. I had tried for about a year to get funding for sex reassignment surgery relisted, and I ended up launching a human rights case in 1999. About that time, when we were talking about the La Forest report, the Canadian human rights review panel was going across the country, and I made a presentation to them and listed 30 recommendations. Upon that, it was added to the La Forest report. My name was published in there. As a result, someone from the Ontario Human Rights Commission approached me, and I gave them a copy of the 30 recommendations, some of which became part of the Ontario human rights policy paper on gender identity. So in two cases I contributed federally and provincially in trying to get human rights for trans people.

In my employment with the Toronto District School Board, when they were debating their first human rights policy, I outed myself to my managers and everything for the protection of not just the staff but students who were trans. In May 2000, when the human rights paper for the board came out, gender identity was a protected ground and we became the first school board in Canada to have gender identity protection.

It has been quite a battle. I see us today as similar to the five women in 1929 who stood up to get recognition of women as persons in this country. I see us as trying to get recognition for trans people to be recognized as persons in this country. What we are doing here, with all parties supporting this, is a first. It's very rare that you see all parties agreeing to one thing, but we're about to make history in this country by including rights for trans

people. What we do here in Ontario is going to show the rest of the country that trans people are persons, and it will have an impact across the country. I think it will help the federal bill as well. So, I really appreciate what everybody is doing here, especially Cheri DiNovo, Christine Elliott and Yasir Naqvi. I really, really appreciate all of this. We did a lot of educating over the years, and I think finally it's time and we're going to get it delivered this time. So, I thank you all. It has been great. If anybody has questions—how much time have we got?

Ms. Susan Gapka: We love to talk.

Ms. Martine Stonehouse: We love to talk. If you have any questions, that would be great.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. We'll start with the questions and comments from the government. Mr. Naqvi?

Mr. Yasir Naqvi: Thank you very much, Chair. I teased my federal friends over the weekend that we passed our bill unanimously and they still had a different—hopefully they will do the right thing as well.

I want to thank all three of you. I've been working with you for some time. Thank you for your advocacy. Susan, you walked I don't know how many kilometres to come and see me at my campaign office in the October election. We sat down and said, "How can we, in the new Parliament, move this forward?" We talked about it and said, "Why don't we try to get one member from each party to come together and really move this as a non-partisan issue?" It is a non-partisan issue; it's about the human rights of trans Ontarians. Salute to you and Martine and your whole team for the leadership that you've brought in. You've brought us all together to work on this as a collective. I think that's how we are doing service—the jobs that we have earned as representatives. So, thank you very much, and I look forward to a positive vote on Wednesday morning.

Ms. Susan Gapka: Thank you.

The Chair (Mr. Ernie Hardeman): Do we have a comment from the opposition?

Mrs. Christine Elliott: A comment, not a question: Good afternoon, Susan and Martine. It has been a pleasure working with you. You have been educating us over the years since I first met you in 2006, and you are very tenacious. That's what has gotten us to this point now—the fourth time it has been brought forward; fourth time is the charm. I really want to congratulate you and thank you for all your hard work on behalf on trans people everywhere. We want to make sure that everybody is fully included and has the same human rights as everybody else. We're all the same. So, thank you very much for that. We look forward to a good result, both provincially on Wednesday and hopefully, federally, very soon too.

The Chair (Mr. Ernie Hardeman): A final wrap-up comment, very quickly, Ms. DiNovo.

Ms. Cheri DiNovo: Sure, and just to add in that Manitoba is nipping at our heels, so they'll be bringing in something towards the end of this week. But, yes, it does feel good to be, outside of the Northwest Territories, the

first jurisdiction in North America, I keep reminding people, not just in Canada.

Thank you, Susan. I always hold you out as an example of the best lobbyist ever, because it's not about money; it's not about having access; it's just about, as Christine said, tenacity, and standing on the side of progress. You have done all of that. All of you have done all of that, so thank you.

The Chair (Mr. Ernie Hardeman): Thank you all very much, and thank you for your presentation. We look forward to finishing this through sometime later this week.

Ms. Susan Gapka: Just a final—yes, it's really about education and putting a human face and telling our stories. Thank you for listening. Anyone who has been in the near vicinity would know that if they ran—the first time they ran an election, I've been there and we've been there asking the questions. It's about just including us in society. Thank you so much.

The Chair (Mr. Ernie Hardeman): Thank you very much for making the presentation.

MS. CHRISTIN MILLOY

The Chair (Mr. Ernie Hardeman): That is the end of the list. A delegation that was here for 2:30 is here now. I'm at the committee's will if you want to hear that one, or we can go to clause-by-clause.

Interjections.

The Chair (Mr. Ernie Hardeman): Okay. With that, we'll call Christin Milloy. If you will take the chair there. We thank you very much for coming in. Just sit right there behind one of the microphones. The clerk will pass your presentation around.

We thank you very much for coming in. As with the other delegations, you will have 15 minutes to make your presentation. You can use all or as much of that time as you wish. If there's any time left over at the end of the presentation, we will start with the official opposition this time, but we'll let them all have their time of that which is left.

With that, we'll turn the floor over to you. If you want to give your name into the microphone before you start, and then from there on, the next 15 minutes is yours.

1530

Ms. Christin Milloy: Thank you very much, Mr. Chair. My apologies for the lateness of my arrival. I have asked to speak as an individual today. It happens I am a member of Trans Lobby Group, but I decided in this instance I'd like to just come and express some thoughts on an individual basis.

Good afternoon. My name is Christin Milloy. I've come to speak in support of Bill 33, Toby's Act. Thus far, two primary arguments have been made in support of this bill: firstly, that the Human Rights Code exists with the stated purpose of protecting disadvantaged groups from discrimination on the basis of grounds which define those groups; and secondly, that trans and gender-variant Canadians or Ontarians—everybody—collectively repre-

sent such a disadvantaged group, one which continues to be harmed by the omission of gender identity and gender expression as protected grounds in the code. This is an inequality, and Toby's Act is portrayed as a method of setting things right.

In and of themselves, these arguments constitute sufficient justification for the passing of the bill. These points have been very well made, and so I need not belabour them. Instead, I wish to take this opportunity to explore the nature of opposition to Toby's Act in greater detail.

In our culture, the notion of gender is tied inextricably with notions of sex and power. Humans are obsessed with sex and power, and humans often use sex and power as tools of coercion and control. Those who presently enjoy a greater degree of power within an existing system have a vested interest in maintaining that system.

It has become impossible to deny that trans and gender-variant identities are a reality of the human experience. Even in the mainstream media, we have witnessed the widespread realization of this fact dawn on our cultural awareness. Jerry-Springer-style marginalization and ridicule have given way to positive media coverage of our inclusion in reality television series, politics and beauty contests, as well as mostly positive fictional portrayals in mainstream television series.

Too often, our trans and gender-variant identities are made the primary focus of this media coverage, but that is understandable. Our culture has found a new concept, a new toy to play with, and wishes to thoroughly explore its novelty by examining it from every conceivable angle.

The introduction of trans and gender-variant identities into one's world view complicates earlier, simplistic notions of what constitutes male and female. Scientists, once certain that light consisted of either particles or waves but not both, now work to construct a unified theory to explain empirical evidence contradicting that earlier, simplistic view of the universe.

It's clear that trans and gender-variant identities are at the bleeding edge of an analogous cultural phenomenon, where empirical evidence has emerged that causes conceptual barriers delineating male and female to blur dramatically. We are living to witness the deconstruction of the gender binary.

Detractors and opponents of this phenomenon threaten a bleak, unpleasant future world, where boring, homogeneous humans go about their lives with inexpressive uniform hairstyles, in featureless jumpsuits, speaking in monotone to one another. They also often speak passionately about the destruction of traditional values. And of course, won't someone please think of the children?

But of course, we're not talking about the destruction of gender. We're talking merely about the dissolution of artificial limitations imposed on gender identity and expression, based on sex. The future is not a world with only one haircut, one outfit or one manner of speech. It is, rather, a world where any person can choose, of their own free will, that haircut, outfit and method of self-expression which one finds truest to one's own self.

Growth and change are critical to survival, and each goes hand in hand. Rather than the wholesale destruction of tradition, we will witness instead the gradual expansion of tradition necessary to incorporate these new identities, which again, one cannot deny, are a part of the reality in which we live.

Who stands to gain by resisting the recognition of these identities? Those who resist learning about and accepting trans and gender-variant identities behave much like children who do not wish to do their homework, and they make some of the same arguments: "It's too hard. I already know enough to get along. I will never use this in my real life." I've also heard, "I don't need this." I've also heard on occasion, "Don't confuse us."

We are all aware there is an analogue bill to Toby's Act making its way through federal Parliament right now. In both Legislatures, some have argued that explicit recognition of these grounds is not necessary "because they are already implicitly covered." If this is the primary argument, then it is easily refuted. If the grounds are indeed sufficiently covered implicitly, what would be the harm, then, in adding the grounds explicitly to eliminate the confusion? Those making the argument are consistently unable or unwilling to furnish a response. It stands to reason, then, that the purported lack of necessity is merely a smokescreen excuse for a lack of support which is truly motivated by other factors.

As traditional definitions of "man" and "woman" become less clear over time, it grows increasingly difficult for members of one group to continue to maintain power over the other. Because legislative protections against discrimination based on sex are already well entrenched in Canada, those who would openly endorse patriarchal oppression—and they're out there—have all but lost their tenuous grasp on their ability to discriminate overtly. I consider this a great cultural victory for all people and a point of pride as a Canadian.

The proposed dissolution of gender barriers imposed based on sex, and the inevitable continuation of the trend against the traditional gender binary, threatens to complicate even implicit forms of gender-based discrimination, and some people don't like that very much.

Entities opposing the passing of bills like Toby's Act should acknowledge their true motivations: To oppose this change is to preserve a system of power that oppresses. Resistance to this change would preserve tradition purely for tradition's sake, at the pain and expense of many.

In the context of our planet's ecosystem, diversity within a species is universally recognized by scientists as being key to the survival of that species, and yet somehow, culturally, we tolerate forces that combat diversity and seek to maintain existing power structures by preventing change. We are the only species that seeks to legislatively limit our own continued evolution.

With bills to the effect of Toby's Act and C-279 currently under consideration in multiple jurisdictions in Canada, we have reached a crossroads. The long, persistent history of both bills, as well as the notable

existence of similar laws and protections popping up all over the free world, should serve as a strong indication that this sentiment is not going away. The turning of the cultural tide cannot be suppressed, and it should not be oppressed.

The archetypical cultural identity that best fits my personality, my emotional values and my inner sense of being is female. You cannot deny that I am a woman simply because peg A fits slot B. That is simply foolishness.

The structure of our society places the burden of deciding this issue on the legislators, into whom the electoral system and, to a lesser degree, the voting members of the public have invested the awesome authority and power of law. On Wednesday, each member of provincial Parliament must decide whether or not to support this bill with a vote.

I'm just going to conclude with a couple of messages which I wish I had the power to share with every member of provincial Parliament, but I'm quite happy to share them with you.

I would say to all those legislators who are already planning on voting "yea" on Wednesday: Please accept my profound gratitude and congratulations on participating in this historic moment for Ontario.

To those legislators who privately support gender identity rights but who may have political obligations to socially conservative constituents, please take note: Doing the right thing when it is not politically convenient, fulfilling one's higher duty as a legislator, is the bravest act a politician can undertake.

Finally, to those legislators whose personal motivations may leave them finding Toby's Act viscerally upsetting, please recognize and rise above your own learned prejudice in deference to the rising tide of cultural awareness. Consider how history might remember this event and choose the side of the liberator rather than the oppressor. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much.

Ms. Christin Milloy: How am I for time?

The Chair (Mr. Ernie Hardeman): We have about four minutes left.

Ms. Christin Milloy: I just want to quickly add that I've attached another report into my written submission. Thank you.

1540

The Chair (Mr. Ernie Hardeman): Thank you. With that, we will be starting with the official opposition.

Mrs. Christine Elliott: Good afternoon, Christin. Thank you very much for coming to appear before the committee this afternoon. I don't have any questions, but just a comment: This is extremely well done, and I'm sure you put a huge amount of thought into it. You've presented some arguments to us that we haven't really overtly considered, but you've really translated them very well into your paper. So thank you very much for that.

Ms. Christin Milloy: Thank you very much, and thank you for supporting the bill so strongly.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo.

Ms. Cheri DiNovo: Christin, thank you for all the work for all the years. Finally, we're here. It's always a pleasure. I think one of the wonderful aspects of Trans Lobby is that truly you are not, as a group, partisan. You represent all political stripes, and now we have a non-partisan acceptance of the fact that progress needs to happen here. That's minority government at its best, and thank you for helping in that.

Ms. Christin Milloy: I agree. Everyone's been fantastic about it.

The Chair (Mr. Ernie Hardeman): Mr. Naqvi.

Mr. Yasir Naqvi: Thank you, Christin. I really have enjoyed discussing these issues with you—debating at certain times as well. Not to distinguish between young and old, but you're probably one of the youngest trans activists on this file that I've worked on, and I do a lot of work in my community in Ottawa. Kudos to you for stepping up and working hard on what's right, as opposed to just letting the world pass and saying, "Some others will figure it all out." I really appreciate that and I look forward to seeing you on Wednesday, hopefully.

Ms. Christin Milloy: Definitely. Thank you.

The Chair (Mr. Ernie Hardeman): Thank you very much for your presentation. It was very well done. We were happy to be able to squeeze it in at the end.

Ms. Christin Milloy: I appreciate that.

The Chair (Mr. Ernie Hardeman): That concludes the presentations this afternoon.

Again, we're back to where the committee wants to go. My understanding, Ms. DiNovo, is that we may go to clause-by-clause at this point until 4 o'clock. Is that right, Mr. Naqvi, that you can go till 4 o'clock? If it's not completed at 4 o'clock, we will recess to finish it, but Ms. DiNovo suggested that we might be able to get through it.

We'll just give legislative counsel an opportunity to get set in here.

With that, if we all want to turn to the bill. We start off as we normally do. We will start section by section and approve amendments to the section, then vote on the section.

Section 1: amendments to section 1? We have an NDP amendment. Yes?

Mr. Michael Mantha: I'd like to propose the following: I move that the French version of section 1 of the bill be amended by striking out "l'expression sexuelle" and substituting "l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion on the motion? If not, all those in favour? Opposed? The motion is carried.

Shall section 1, as amended, carry? Section 1 is carried.

Section 2: We have a New Democratic amendment.

Mr. Michael Mantha: I'd like to propose the following amendment, Mr. Chair: I move that the French

version of section 2 of the bill be amended by striking out "l'expression sexuelle" and substituting "l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, all those in favour? Opposed? The motion is carried.

We have another NDP motion for section 2.

Ms. Cheri DiNovo: I move that section 2 of the bill be amended by adding the following subsection:

"(2) Subsection 2(2) of the act is amended by adding 'sexual orientation, gender identity, gender expression' after 'creed'."

This is in line with the Ontario Human Rights Commission's considerations and their legal counsel.

The Chair (Mr. Ernie Hardeman): Thank you very much. You've heard the amendment. Discussion? If not, all those in favour of the amendment? Opposed? The motion is carried.

Any further amendments to section 2? If not, shall section 2 carry, as amended? Carried.

Section 3: We have an NDP amendment for section 3. That's amendment 4 in our package.

Mr. Michael Mantha: Yes, Mr. Speaker, and I move the following. I move that the French version of section 3 of the bill be amended by striking out "l'expression sexuelle" and substituting "l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, all those in favour? Opposed? The motion is carried.

Are there any further amendments to section 3? If not, all those in favour of section 3, as amended? Opposed? The motion is carried.

Section 4: We have an NDP amendment.

Mr. Michael Mantha: I move that the French version of section 4 be amended by striking out "l'expression sexuelle" and substituting "l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, all those in favour of the motion? All those opposed? The motion is carried.

The Chair (Mr. Ernie Hardeman): We have another NDP motion for section 4.

Ms. Cheri DiNovo: I move that section 4 of the bill be amended by adding the following subsection:

"(2) Subsection 5(2) of the act is amended by adding 'sexual orientation, gender identity, gender expression' after 'creed'." It's identical to the last one, really.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? If not, all those in favour of the motion? Opposed? The motion is carried.

Any further amendments to section 4? If not, shall section 4 carry, as amended? The section is carried.

Section 5: We have an NDP amendment.

Mr. Michael Mantha: I move that the French version of section 5 of the bill be amended by striking out "l'expression sexuelle" and substituting "l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? No further discussion. All those in favour of the motion? All those opposed? The motion is carried.

Any further amendments to section 5? No further amendments? Shall section 5 carry, as amended? Section 5 is carried.

Section 6: We have an amendment from the New Democratic Party.

Ms. Cheri DiNovo: I move that section 6 of the bill be struck out and the following substituted:

"6(1) Subsection 7(1) of the act is amended by striking out 'because of sex' and substituting 'because of sex, sexual orientation, gender identity or gender expression'.

"(2) Subsection 7(2) of the act is amended by striking out 'because of sex' and substituting 'because of sex, sexual orientation, gender identity or gender expression'."

Again, similar.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? No discussion. All those in favour of the motion? All those opposed? The motion is carried.

Any further amendments to section 6? No further amendments to section 6? Shall section 6 carry, as amended? The motion is carried.

Section 7: Any amendments to section 7? There are no amendments. All those in favour of section 7? All those opposed? Section 7 is carried.

Section 8: We have an NDP amendment for section 8.

Mr. Michael Mantha: I move that the French version of the short title of the bill, as set out in section 8 of the bill, be amended by striking out "l'identité et l'expression sexuelles"—am I reading the right one?

Ms. Cheri DiNovo: Sorry, Mr. Chair.

The Chair (Mr. Ernie Hardeman): I won't call the vote on that one.

Ms. Cheri DiNovo: Not yet.

Mr. Michael Mantha: Let's try this again, Mr. Speaker—or Mr. Chair.

The Chair (Mr. Ernie Hardeman): Okay, I've just been informed that in your package, for committee members, there is a 9.1 and a 9.2 amendment. With that, we'll turn it back over to Michael.

Mr. Michael Mantha: Amendment 9.1: I move that the French version of the short title—

Ms. Cheri DiNovo: No, no, it's 9.2.

Mr. Michael Mantha: The third time's the charm. I'll get it.

Mr. Yasir Naqvi: The fourth time.

Mr. Michael Mantha: Is it the fourth? We might as well be consistent.

The Chair (Mr. Ernie Hardeman): I'll be the judge of that.

Mr. Michael Mantha: All right, it's the fourth time.

I move that the French version of the short title of the bill, as set out in section 8 of the bill, be amended by striking out "l'identité ou l'expression sexuelles" and substituting "l'identité sexuelle ou l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Further discussion? If not, all those in favour? Opposed? The motion is carried.

Are there any further amendments to section 8? If not, shall section 8 carry as amended? The section is carried.

Shall the title of the bill carry? I believe we have an amendment to that.

Mr. Michael Mantha: Yes, we do.

I move that the French version of the long title of the bill be amended by striking out "l'identité et l'expression sexuelles" and substituting "l'identité sexuelle ou l'expression de l'identité sexuelle".

The Chair (Mr. Ernie Hardeman): I point out for the committee members that that's 10.1 in your package. You've heard the motion. Discussion? If not, all those in favour? Opposed. The motion's carried.

Shall the title of the bill carry, as amended? Carried.

Shall Bill 33 carry, as amended? Carried.

Shall I report the bill, as amended, to the House? Carried.

Completed in record time.

Interruption.

The Chair (Mr. Ernie Hardeman): I suppose the applause would not be appropriate, so if you just wait a minute. The meeting stands adjourned. Now you can applaud.

The committee adjourned at 1553.

CONTENTS

Monday 11 June 2012

Subcommittee report	SP-251
Toby's Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression), 2012, Bill 33, Ms. DiNovo, Mrs. Elliott, Mr. Naqvi / Loi Toby de 2012 sur le droit à l'absence de discrimination et de harcèlement fondés sur l'identité et l'expression sexuelles, projet de loi 33, Mme DiNovo, Mme Elliott, M. Naqvi	SP-251
Registered Nurses' Association of Ontario	SP-252
Ms. Doris Grinspun	
Queer Ontario	SP-253
Mr. Nick Mulé	
Ms. Davina Hader	
Mr. Casey Oraa	
Ontario Human Rights Commission	SP-256
Ms. Barbara Hall	
Egale Canada	SP-257
Ms. Helen Kennedy	
The Trans Lobby Group	SP-259
Ms. Susan Gapka	
Ms. Martine Stonehouse	
Ms. Martine Stonehouse	
Ms. Christin Milloy	SP-261

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